SENATE—*Wednesday, September 11, 1991*

(Legislative day of Tuesday, September 10, 1991)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In a moment of silence we thank You, Lord, for the physical restoration and return of Senator PRYOR.

[Moment of silence.]

So God created man in his own image, in the image of God created he him; male and female created he them.—Genesis 1:27.

Eternal God, merciful Father in Heaven, help us to appreciate the extraordinary events of the past few weeks. Help us to understand these phenomena. America was founded upon belief in creation as revealed in the first chapter of the Bible. Communism denied that belief as if to say, "We hold these truths to be self-evident, that all men are evolved from monkeys, that some evolved more than others and are, therefore, superior. History is a jungle in which the fittest survive—the unfit must be destroyed that communism may succeed." Hence, millions of their citizens were killed or imprisoned. Atheism was its doom!

Thank You, Lord, for our Founders' belief in a God who created all equal and endowed them with inalienable rights which government was "instituted to secure, deriving its just powers from the consent of a sovereign people." Help us never forget that faith in God is the foundation of our system, lest we sacrifice our future with our unbelief. And grant that our leadership will be sensitive, compassionate, and wise in responding to the enormous, critical needs in Eastern Europe.

In the name of Jesus, Lord of life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 11, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Also under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein.

The Chair, in his capacity as a Senator from the State of Nevada, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Senator from West Virginia is recognized for up to 20 minutes.

Mr. ROCKEFELLER. I greet the distinguished Presiding Officer and wish him a good day.

ENDING U.S. ENERGY VULNERABILITY

Mr. ROCKEFELLER. Mr. President, in recent weeks, a number of people have spoken out about the need for energy policy legislation. I understand that even President Bush has made a statement urging Congress to act on energy legislation. In light of the administration's decade-long neglect of energy policy, I believe this deserves some comment.

Today the United States imports half of the oil we use. By 1995—unless we act—we will depend on foreign oil for two-thirds of our supplies. This rising dependence on resources controlled by nations in the politically explosive Middle East threatens to subject our economy and our foreign policy to blackmail and manipulation by tyrants and dictators.

As with the deficit, as with the S&L bailout, as with neglect of our infrastructure: The neglect of energy policy saddles the country with an unconscionable burden that will be borne well into the next century.

For years there has been an obvious need for a coherent, effective energy policy: to restore American economic security; and to regain control of our foreign policy. Instead, the illusion of cheap oil and an obsession with the short term have meant a decade of dithering in which the administration did everything possible to dismantle our energy policy.

Renewable energy programs were cut. The administration sought to slash funding for energy research. Conservation measures were abandoned, and the administration even sought to repeal automobile fuel economy requirements.

We know why this happened. Policymakers were blinded by the illusion of cheap oil. Sure, there were times when you could buy a barrel of oil at $16. But last fall, the price went to $40 and helped ignite a global recession—with loss of millions of jobs and billions in production. And $16 does not include the lives of our troops: sent into the desert this year or in some future year.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The administration's budget assumes that the price of oil for 1992 will be $18 a barrel. Even if this is correct, it cannot be the basis for a realistic energy policy. The price will be $40 again—if not this year, then after the next coup or assassination or invasion. You cannot base your home heating budget for January on what you are paying in July.

When the real costs of not having an energy policy are included, the illusion of cheap oil vanishes. The choice we face is between investing in our country and our economy; or paying the high price of frequent crises and extortionist prices for oil.

What, then, should be the components of our energy policy? Just as our strategic military deterrent is based on a triad, so our strategic energy policy should be based on a triad: improved energy efficiency; alternative energy sources; and sensible development of domestic energy resources.

Nothing more illustrates the decade of dithering than the record on energy efficiency. The oil shocks of the 1970's caused some improvements in conservation. But, in the 1980's, we lost ground. At one point, the Reagan administration sought to repeal auto fuel economy standards. The Bush administration evidently still does not wish to strengthen them. Also, after 1980, research and development funding for conservation was cut drastically. Secretary of Energy Watkins succinctly summed up the impact of low oil prices in the early 1980's on our efficiency programs, saying, "Clearly, we dropped the ball."

The result of this fumble is that the United States uses twice as much energy per dollar of GNP as Japan and West Germany. No wonder the Japanese feel less threatened by Middle Eastern instability than we. A Tokyo woman told Newsweek that the Kuwaiti crisis was like looking at a fire on the other side of the river.

Now the Bush administration claims it has had a battlefield conversion, that it is gung-ho for energy policy. Recently, they have called for action on energy legislation.

That sounds great until you consider that the administration's own stonewalling on automobile fuel economy is a major source of legislative delay.

Our cars and trucks use an unbelievable 128 billion gallons of gasoline a year. Energy policy that does not address that fact is just not credible.

The current corporate average fuel economy standard, known as the CAFE standard, is 27.5 miles per gallon. A Commerce Committee bill would set the standard at 40 miles per gallon by the year 2001, and the distinguished chairman of the Energy Committee, Senator JOHNSTON, has proposed a CAFE standard of 37 miles per gallon in 2006. Finally, as everyone knows, the Senate faces the prospect of horse trading with the House of Representatives because distinguished Members of that body are unenthusiastic about the 40-mile requirement.

Now, everybody knows we have to do better than the current standard. And everyone, including many in the automobile industry, says we can do better. The only question is how much better. Is the administration going to play a constructive role in resolving this, or is it going to keep sending agitated letters to the Hill saying that 40 miles per gallon will mean the end of civilization?

Before the administration gets indignant about energy legislation delays, it should help remove the roadblocks it has itself erected. Setting energy policy, reconciling competing goals and interests for the good of the country, is always difficult. A President is in the best position to do that. That is part of what Presidential leadership is supposed to be about. It's time for the White House to become part of the solution.

The second leg of the energy triad, and another way to curb the automobile's gluttony for gasoline, is by developing alternative fuels like methanol, ethanol, compressed natural gas, and electricity.

In 1988, 65 of our colleagues joined me in sponsoring the Alternative Motor Fuels Act, which provides incentives for production of alternative fuel vehicles.

In the past, I have applauded the President's support for alternative fuels. But I now have doubts about the seriousness of the administration's commitment. The alternative fuels provisions of the clean air amendments were watered down, and in a recent hearing on my bill to provide tax incentives to encourage alternative fuels, there was no administration support.

The General Accounting Office has raised questions about the absence of fueling stations and other infrastructure for alternative fuels as a barrier to an alternative fuels development strategy. My tax incentives bill—with support from the alternative fuels and auto industries—addresses that problem. I hope the administration's position does not reflect the President's views, and I call on him to reverse that position.

This is the time to pick up, rather than to slacken the pace on alternative fuels. Alternative fuel vehicle technology is one of the few advanced technologies in which America still leads the world. But the Japanese are moving aggressively to catch up. This is a prime test of American will and ability to recapture technological preeminence.

The third element of our energy policy triad should be sensible development of our domestic resources. The years of trashing research on solar power, wind, biomass, and other renewables must end. At the same time, we must be smarter in our utilization of traditional energy sources.

This is why I have been a strong supporter of clean coal technology—to ensure the environmentally sound utilization of the massive energy resources that our country and my own State of West Virginia possess.

This is also why, working with scientists at West Virginia University, I developed legislation for research on new, nonfuel products from coal. Over 50 percent of our electricity in this country comes from coal. But few people realize that there are other products for the chemicals and materials industries that can be made from coal—from carbon fibers for satellite components to chemicals for photographic film to graphite electrodes for steel.

These are new uses for coal that can often substitute for imported oil. Economic and environmental issues can be addressed with a carefully targeted research program. I commend Chairman JOHNSTON for including my legislation authorizing such a program in his energy bill.

To achieve smarter use of our resources I have also authored, with many of our colleagues as cosponsors, legislation to stimulate electric vehicle technology development. I would like also to commend Senator JOHNSTON for including the electric vehicle legislation in his energy bill. Electric vehicles would improve air quality, address global warming concerns, and—because electricity can be generated by abundant domestic fuel sources—cut our dependence on imported oil.

Our national security and our flexibility in foreign policy are endangered by energy dependence. We need to mobilize American know-how and ingenuity to end this hostage situation. Innovation is needed to improve all three elements of the energy policy triad—conservation, alternatives, and domestic development. Ingenuity is needed to ensure that we meet environmental, economic, and other national policy goals at the same time we create an effective national energy strategy.

A reporter asked me the other day if I thought that the program under my electric vehicle legislation could really produce a better battery. I replied that it was inconceivable that the U.S. Department of Energy and the American auto industry could not build a better electric vehicle battery if they put their minds to it.

Does that sound like an old fashioned vision of American can-do spirit? If it does, then I say it is time to return to the traditional American can-do spirit. It is time to stop saying "we can't" every time a problem comes up and to start solving those problems.

Over a generation ago, when we were engaged in a great global conflict against dictatorship and tyranny, we

were cut off from our supplies of natural rubber—a critical war materiel. We mobilized our know-how and ingenuity and invented the synthetic rubber that helped us win the war.

Today, we may face a slower burning fuse, but the consequences of inaction can be every bit as disastrous. Let it not be said that we failed to follow the example of the generations who preceded us. Instead, let it be said that we preserved and passed to our children and their children the legacy of security and freedom we have inherited.

Our task is to act now to reinvent industrial society, to break the bonds of dependence, to look beyond the moment and ensure our world leadership into the 21st century. That is a challenge worthy of America's past achievements and worthy of our creative powers.

It is a challenge we can and must meet.

I thank the Chair and yield the floor.

I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under the previous order, the Senator from Illinois is recognized for 10 minutes.

A REVIEW OF THE BUDGET SUMMIT

Mr. SIMON. Mr. President, I am going to speak very, very briefly. I think it is time to reevaluate the budget agreement that we have, in view of what has happened around the world in the last 3 weeks.

I have sent a letter to the President suggesting two things: One is that we reconvene the budget summit to take a look at where we are. Does it really make sense today to have a majority of our defense expenditures zeroed in on a possible Soviet invasion of Western Europe? I do not think anybody thinks that makes sense anymore. I think we have to be getting that deficit down. The Presiding Officer and I have had some conversations about that. We also, it seems to me, ought to be shifting over some of our expenditures to very real domestic needs, particularly in the field of education and health care.

The second thing I suggest in this letter is that one of the things we can do even without a budget summit—and it is something that I heard Senator NUNN discuss briefly on television—is to stop all nuclear warhead testing. The Soviets—and I am not sure we can even use the term "Soviets" anymore. Boris Yeltsin, the President of the Russian Republic, has indicated that they are stopping all nuclear warhead testing. It is something that is verifiable. We ought to go ahead and stop that right now. It helps our environment and, No. 2, it saves money.

Mr. President, I ask unanimous consent to have printed in the RECORD my letter to the President.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, September 9, 1991.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing out of concern for the opportunities for our country provided by the momentous developments over the last few weeks in the Soviet Union.

The collapse of Communist institutions in that nation, and indeed the thorough transformation of the U.S.S.R. from a centralized state into a federation or confederation of republics, offers extraordinary opportunities for the United States.

The developments in the U.S.S.R. provide the United States with some immediate opportunities to further reverse the nuclear arms race and to modify our budget agreement. The nuclear risk from the Soviet Union is much less than it was even a few weeks ago. Russian Federation President Boris Yeltsin and Kazakhstan President Nursultan Nazarbayev have both said that they will halt all nuclear testing in their respective republics until further notice.

Mr. President, this presents the United States with a special opportunity. This is precisely the time to respond in kind: To notify the Soviet republics and central government that we are prepared to halt all nuclear testing if they will abide by their pledges to do the same. I have little doubt that the central and republican authorities will agree quickly to such an arrangement. Indeed, they seem to be acting to unilaterally halt testing.

Over the longer term, the profound changes in the U.S.S.R. will have major implications for the United States. These changes require us to re-examine our own fiscal policies and priorities. In 1990, when you and congressional leaders enacted the five-year budget agreement, no one foresaw these developments. The 1990 budget agreement, in effect, hinders us from, in any substantive way, responding to these events. We cannot change our budget priorities without taking extraordinary steps. The 1990 agreement, in effect, freezes an outdated set of priorities in place.

Mr. President, I urge you to convene a new budget summit. The terms of the 1990 agreement must be reviewed, and changed. The current budget agreement prevents us from transferring funds from the defense budget to domestic needs until 1994. It makes absolutely no sense for the United States to be locked into constraints enacted prior to the sweeping changes taking place in the world. We need to give ourselves the flexibility to respond. Our own national security and well-being require it.

Our country faces urgent social needs. Our cities and rural areas are deteriorating, our infrastructure badly needs reinvestment, and the recession is forcing cities and states to make drastic cutbacks in education, housing, health care and aid to the needy. Just recently, you cited budget constraints as a reason not to extend unemployment benefits as an "emergency" under the Budget Act. In these times, we need to take advantage of this historic opportunity to target urgent domestic needs.

One proposal a new budget summit might consider is a bill I introduced this year, S. 644, that would essentially combine the three budget sub-caps for discretionary spending—domestic, international and defense—into one overall discretionary category, not increasing the deficit one penny. Under current law, this will happen anyway in 1994. If a summit were to convene, with the goal of reporting legislation this year or, at the latest, in the early part of next year, this would mean that this merging of sub-caps into one overall cap could take place in 1993, allowing Congress to make budget decisions next year that take into account the dramatic changes in the Soviet Union.

In addition, a new summit should consider changes in the Fiscal Year 1992 budget that reflect the new world realities.

Whatever specific proposals a budget summit might consider, I believe it is imperative that such a summit meet to reconsider the 1990 agreement and fashion a new budget agreement that allows us to take action in response to what is happening today. Let us not allow yesterday's headlines to dictate tomorrow's events.

Mr. President, I hope you will seriously consider these proposals.

Cordially,

PAUL SIMON,
U.S. Senator.

Mr. SIMON. I will be offering a sense-of-the-Senate resolution to the appropriations bill that is before the Senate at this point. The sense-of-the-Senate resolution will simply urge that we reconvene the summit to modify the agreement, in view of the changed world. For us just to continue to drift and not to modify our budget, in view of the changed world situation, just does not seem to me to be a rational thing at all.

Mr. President, I do not see anyone else seeking the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

THE ISRAELI HOUSING LOAN REQUEST

Mrs. KASSEBAUM. Mr. President, last Friday President Bush requested that Congress delay any action on Israel's $10 billion housing loan request for 120 days. The President urged that it was in the best interest of peace that consideration of this request be delayed and a divisive debate on the issue be postponed. The President's request to Congress came after a similar request to the Israeli Government to withhold their proposal for aid went unheeded.

I am deeply aware, Mr. President, of the economic strain that the flood of

Soviet Jewry has placed on the Israeli economy. In the past 2 years, over 300,000 Soviet Jews have emigrated to Israel, most of them coming in desperate need of financial support. As someone who has worked hard and consistently over the years to press the Soviet Government to allow the free emigration of Jews to Israel, I believe it is important that the emigration continue unimpeded and that the United States help Israel in its efforts to resettle these families and individuals.

We have already begun to aid the Israel directly with this problem. Last year, above and beyond the more than $3 billion in aid we give to Israel, Congress approved an unprecedented housing loan guarantee program of $400 million. As we all know from that debate, this issue is not a simple one. I personally felt strongly that we should not support any loan guarantee program that violated our longstanding policy of not allowing any United States aid to be spent beyond the green line, or Israel's border prior to the 1967 war. And, I did not support the aid until we had received such a commitment from the Israeli Government.

I know, Mr. President, it is hard to condition our aid, but we condition it continually. It seems to me this is in the interests of both Israel as well as the United States, to speak with an honest voice concerning these difficulties.

This year's request from Israel is far larger than last year's. Israel is asking for a $10 billion housing loan guarantee over a 5-year period. This proposal warrants very close scrutiny by us here in Congress as we struggle to respond to the growing international and domestic demands on our budget.

Given the many outstanding questions, I strongly agree with President Bush that now is not the time for this debate. After much hard diplomatic work on the part of the President and the Secretary of State Baker, we are at an historic point where peace is a real possibility in the Middle East. It is an opportunity for peace that has not come quickly or cheaply. It is an opportunity we cannot squander. President Bush is simply asking for delay in considering this request for 120 days so that this issue does not complicate the convening of the Middle East conference and would not complicate either side in trying to come together. This conference for the first time holds out the possibility for direct talks between Israel and all of its neighbors.

I urge my colleagues to join in support of this delay. After the many years that we struggled for peace in the Middle East, 120 days seems like reasonable breathing space. I am personally disappointed that the Israeli Government did not heed President Bush's request to withhold its additional aid proposal. It is my strong hope that, in the interest of peace, we here in Congress do respond positively to the President's call for delay in consideration of this issue.

Mr. President, I yield back any time that I may have remaining.

CONGRESSMAN BLILEY

Mr. DOLE. Mr. President, prior to the August recess the House and Senate were finally able to reach agreement on legislation related to the District of Columbia and the Federal payment it receives.

This Senator was pleased to be able to be of assistance in securing passage. My colleague in the House, Congressman BLILEY was also very involved and gave a very informative statement which I ask to be printed in the RECORD for all my colleagues to read.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

[From the CONGRESSIONAL RECORD, June 11, 1991]

DISTRICT OF COLUMBIA BUDGETARY EFFICIENCY ACT OF 1991

Mr. BLILEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, it has been a privilege to work with the distinguished chairman to bring H.R. 2123 to the floor. It is an honor to help shape the history we are making today in the restoration of the fiscal health of our Nation's Capital. Just as importantly, we are also restoring dignity and mutual trust in the relationship between the Congress and the District of Columbia which has been missing for too long.

As we vote on this legislation today, we will be adding to the process of renewal which was begun last November in the District with the election of a new Mayor and a new city council.

Shortly after the beginning of the 102d Congress, we began our work on what would become H.R. 2123, the District of Columbia Budgetary Efficiency Act of 1991, based on the following concepts:

First, as the distinguished chariman has already explained, the Federal payment is not a gift to the district. It is payment for services actually provided to the Federal Government. The Federal payment as provided for in the Home Rule Act is also compensation for the restrictions Congress has placed on the local government's ability to raise revenue. These restrictions include a prohibition on commuter taxes and limitations on the height of buildings in the District.

Second, the unpredictable nature of the Federal payment hurts the District's budget planning ability and costs the District millions of dollars in additional interest payments on its bonds because of revenue uncertainty.

Third, any formula based on a percentage of local revenue must be somehow divorced from direct and immediate impact by actions of the council.

Fourth, any agreement we reached must not violate the budget agreement reached last fall between the Congress and the White House.

Fifth, the request from the District and propounded by the Rivlin Commission for a Federal payment based on 30 percent of local revenues was unacceptable and politically not feasible.

The result of months of intensive negotiations between members of the committee is before the House today as H.R. 2123. This bill is a bipartisan compromise in the truest sense of the word and meets all of the criteria I just mentioned for helping the District of Columbia while preserving congressional responsibility.

There are four principle reasons Members should support this legislation. The first three reasons are graphically illustrated in the following charts.

CHART 1.—FEDERAL PAYMENT

[Constant 1982 dollars]

X data	Series 1
1977	446.161
1978	417.549
1979	351.617
1980	355.856
1981	348.028
1982	360.385
1983	363.3
1984	398.472
1985	413.922
1986	358.91
1987	375.74
1988	350.285
1989	368.687
1990	366.025

First, as this chart illustrates, the District has faced overwhelming instability and uncertainty with respect to the Federal payment. As you can see the Federal payment between 1977 and 1990 looks more like the Anaconda roller coaster ride at King's Dominion than a rational payment to the Nation's Capital. No level of Government, local or State, nor any Federal agency can engage in any semblance of rational planning with this kind of instability. The Federal payment has been patently unfair.

CHART 2.—FEDERAL PAYMENT H.R. 2123

[Constant 1982 dollars]

X data	24 percent
1990	366.025
1991	422.151
1992	420.623
1993	414.45
1994	423.078
1995	431.643

As you can see from this next chart H.R. 2123 ends the uncertainty and unpredictability of the Federal payment. Basing the authorized level of the payment on a formula of 24 percent of local revenue raised 2 years before will allow the Mayor, the Council and the District's bond underwriters to know what the cap will be well in advance of the money actually being budgeted by the District and appropriated by the Congress. This new predictability for the Federal payment should save millions of dollars as well as allow the District to manage its fiscal affairs in a more responsible manner.

Let me point out that the Congress has already provided the noticeable increase between 1990 and 1991. We cannot go back to 1990 without dire consequences. From 1991 and beyond, the level of funding is really just keeping pace with inflation.

CHART 3.—H.R. 2123 FEDERAL PAYMENT

[Constant 1982 dollars]

X data	24 percent	30 percent
1991	422.151	
1992	420.623	520.37
1993	414.45	513.779
1994	423.078	528.907
1995	431.643	539.498

The third reason Members from both sides of the aisle can support H.R. 2123 is that it is a fair compromise. This chart illustrates the differences in projected costs between the 30 percent requested by the District and the 24 percent contained in H.R. 2123. Looking at projected payment figures, it is clear that 30 percent is far more money than Congress would be willing to authorize with a Federal deficit of $300 billion. The difference between a 24-percent and a 30-percent formula comes out to $500 million over the 1993–95 period covered by this bill. That is $500 million that we would have to take from some other deserving program or project. As it is, H.R. 2123 provides the District with the stability to get its fiscal house in order without committing a mass assault on the Federal Treasury.

As we develop this legislation, we were acutely aware that a Federal payment formula should not violate the budget agreement and that it must be in line with the plans of the Appropriations Committee. I thank the chairman for his sharing my interest in this matter. At this time I will yield to the ranking minority member of that Appropriations Subcommittee, the distinguished Congressman from New Jersey [Mr. GALLO] for the purpose of a similar colloquy. I would ask my colleague to confirm my belief that H.R. 2123 does not violate the terms of the budget agreement and I yield to him.

Mr. GALLO. I thank the gentleman from Virginia for his efforts on this important matter and I can confirm his understanding—H.R. 2123 is in conformance with the budget agreement.

Mr. BLILEY. Reclaiming my time, I thank the gentleman for his answer and ask if this bill will cause concern on the Appropriations Committee or if it will obligate the appropriation of any set amount for the Federal payment?

Mr. GALLO. The Appropriations Committee will continue to examine proposed District budgets with a sharp eye and we will not approve any budget or appropriate any Federal moneys in excess of what is reasonable and necessary for the effective governance of the District of Columbia. If the gentleman will continue to yield to me, I would add further that I join Mr. DIXON in support of this legislation and I believe that it will give the Appropriations Committee necessary leeway to fit the Federal payment to the needs of the District and to a fair and reasonable amount of taxpayer funds.

Mr. BLILEY. Reclaiming my time, I thank my colleague for his support and for his answers to my questions. My desire to stay within necessary restraints and guidelines thus has been met in the provisions of H.R. 2123.

My most important reason for negotiating this bill and for supporting it so strongly is that it is in the interest of this Congress and of all of the American people that this city—this Federal city which is the seat of our Government—renew itself and become once again a Capital of which we can all be proud. Across the country, the citizens of this Nation expect our help to make the District of Columbia once again a place where they can visit without fear and visit the monuments commemorating our past achievements, and, as so many did this past weekend, view history in the making. We want Mayor Dixon to succeed. We need Mayor Dixon to succeed. We must do our part or else I see no way that she can lead the District back from the brink. I would like to thank Mayor Sharon Pratt Dixon and Council Chairman John Wilson for working so hard at the other end of Pennsylvania Avenue to restore our confidence and trust in the District government.

Washington and Jefferson envisioned a great city worthy of our great experiment in democracy. The Federal city cannot fulfill our forefathers' expectations without national participation in its fiscal affairs. H.R. 2123 institutes a stable, predictable, rational, and equitable funding formula for our Nation's Capital and provides just that mechanism needed for meeting our obligations to the District of Columbia's 250 million constituents. The Nation's Capital belongs to each and every one of us and it is our responsibility to help ensure that it is a Capital of which we can all be proud.

I urge my colleagues to support this bipartisan compromise as the principle means in the 102d Congress to restore that pride.

SET A GOOD EXAMPLE—FIRST PLACE WINNER JEWELL SUMNER HIGH SCHOOL OF KENTWOOD, LA

Mr. JOHNSTON. Mr. President, I rise before you today to commend the first place award winners of the Set a Good Example Contest.

This annual contest, sponsored by the Concerned Businessmen's Association of America, recognizes one school each year which has gone above and beyond the call of duty on its war against drugs in our Nation's schools. For the second consecutive year the school honored with this award is Jewell Sumner High School of Kentwood, LA.

During the recent years we have seen the war on drugs being fought in every conceivable arena, the streets of both the inner city and the suburbs, the workplace, and on the home front, but nowhere should the battle rage more fiercely than in the classrooms of our schools.

Recognizing this fact, the Concerned Businessmen's Association of America, a consortium of business leaders, designed the Set a Good Example Contest to encourage our young people to get involved in drug-free and antidrug campaigns. For the past 5 years, the program has proven to be both a successful and inspirational way of getting our students and educators behind the effort to eradicate drug abuse in our Nation.

The students and faculty of Jewell Sumner High School have taken this program to heart and organized several impressive activities to educate themselves and others on the dangers of drug use. The school took its first steps in that direction when in 1986, at the students' request, the school chartered the Just Say No Club. The club, which now comprises 92 percent of the enrollment, is primarily responsible for the drug education outreach programs which are sponsored by the school.

The members of the Just Say No Club are involved, on a regular basis, in speaking to area elementary and junior high school students on the problems that drug use can cause, along with using some positive peer pressure to show them that drug users are in the wrong crowd. The program has proven to be so successful, in fact, that last year a group of around 2,000 students from seven St. Tammany Parish schools congregated to witness an antidrug presentation organized by the club.

In addition to these speaking engagements, the students also distributed over 2,500 copies of "The Way to Happiness," which outlines basic fundamental values and offers long-term guidance. These books were provided to individuals in order to give them additional moral support during their personal battles against drugs.

Finally, Jewell Sumner High School is heavily involved in the Red Ribbon Campaign. This was a national effort which encouraged students to wear red ribbons on their clothing as evidence that they were drug free. After becoming involved, the school was literally overflowing with red ribbons, as they provided extensive support for the cause.

In recognition for these outstanding efforts, the Governor of Louisiana along with the mayor of Kentwood will be issuing proclamations during the awards ceremony on Monday, September 16, 1991.

The work of the students and faculty of Jewell Sumner High School must definitely be commended. These students, who will surely become the leaders of tomorrow, have shown us as a nation that the drug problem we face cannot be ignored but must be dealt with by all members of society. Their dedication to the antidrug message should be an inspiration to us all.

If this type of involvement is any indication of the way our youth will attack issues in the future, then we should not worry, for we are headed in the right direction. The Concerned Businessmen's Association of America could not have chosen a better recipient for their award, and they should be commended for providing these students with the opportunity to play a vital role in the war on drugs.

To the students and faculty of Jewell Sumner High School, I extend to you my congratulations for your exemplary achievements. Thanks to you, the youth of this great Nation now can follow in your footsteps.

THE GENERIC DRUG SCANDAL

Mr. D'AMATO. Mr. President, at 9:30 tomorrow morning, FDA Commissioner David Kessler is scheduled to appear before the House Subcommittee on Oversight and Investigations to answer questions about several issues, including the generic drug approval process at the FDA. For several years I have been deeply concerned about the notorious lack of integrity and efficiency in the generic drug approval process at the FDA, and I eagerly await the testimony of Commissioner Kessler on these issues.

My concerns date back to the summer of 1988, when a constituent

brought to my attention the possibility of a competitor's improper involvement and/or influence in the FDA's generic drug approval process. That constituent, Barr Laboratories, is a major American generic drug manufacturer, with headquarters in Pomona, NY. Barr informed me that it suspected that its attempt to get FDA's approval of its generic version of the drug Premarin had been compromised by FDA officials, whom Barr suspected were leaking confidential information to the brand name drug company.

In 1984, Congress passed the Waxman-Hatch Act. That statute charges the FDA with a very important mission—to facilitate consumer access to safe, effective, and low-cost generic drugs. If Barr's allegations were true, the integrity of the FDA's generic drug approval process was being compromised and American consumers were being disadvantaged.

In August 1988, I wrote to former FDA Commissioner Frank Young demanding an accounting of FDA's procedures to protect the integrity of the application process. The Commissioner's answer, part of a staff report prepared by the agency's Center for Drug Evaluation and Research, merely sidestepped the question by stating that "proprietary data in applications is properly protected by FDA procedures." Despite a followup meeting with the former Commissioner in October 1989 and requests from my office for additional information, nothing I have seen or heard to date has assured me that the generic drug approval process is free from manipulation.

Over the past 3 years, investigations by the U.S. Attorney for the District of Maryland and the House Oversight Subcommittee have uncovered fraud and corruption both within the FDA's Generic Drug Division and the generic drug industry. At least five FDA employees, four drug companies, and numerous industry executives have been convicted for activities ranging from fraudulently submitting generic drug applications to illegal payoffs. Unfortunately, the investigations, allegations, and indictments continue. The most recent investigations by the U.S. attorney involve possible stock manipulation activities.

Throughout this entire period, it has become increasingly clear that the generic drug approval process and the Generic Drug Division at the FDA is in complete disarray. When Commissioner Kessler testifies tomorrow before the House Oversight Subcommittee, he must make clear his commitment to take immediate action to restore integrity to this process.

Reforms should include personnel changes and changing the approval process to prevent bias against companies who have criticized the agency. Additionally, the inexcusably large backlog of generic drug applications awaiting approval at the agency must be eliminated. Finally, any new approval process must be based upon published and realistic procedures not subject to outside influence or arbitrary interpretation by the agency. If necessary, I will happily support new, stronger legislation which guarantees that these objectives are met.

As I have repeatedly said, the cost of the FDA's inaction and ineptitude is too high. The American people should have timely access to lower cost, safe, and effective generic drugs. I eagerly await tomorrow's testimony of Commissioner Kessler on these issues.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,370th day that Terry Anderson has been held captive in Lebanon.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order the period for morning business is now closed.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 2707, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2707) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Harkin amendment No. 1084 (to committee amendment beginning on page 3, line 24), to increase the amounts made available for disease control, low-income home energy assistance, chapter I basic and concentration grants, Impact Aid, vocational education, supplemental educational opportunity grants, TRIO, and foreign language higher education.

AMENDMENT NO. 1084 TO COMMITTEE AMENDMENT BEGINNING ON PAGE 3, LINE 24

The PRESIDING OFFICER. The Chair will advise the senior Senator from Nevada the pending business is amendment 1084 to committee amendment beginning on page 3, line 24.

Mr. HARKIN. Mr. President, the amendment before the Senate is similar to the amendment considered by the Senate yesterday as it also adds funding for 10 programs within the subcommittee bill. The pending amendment however, does not require a transfer of funds from the Department of Defense. The pending amendment also does not have any Budget Act points of order that can be made against it and it is within the 605(b) allocations of the subcommittee.

The amendment includes $510 million of funding for eight education programs and two other programs under the jurisdiction of the subcommittee. Like the amendment circulated earlier by Senator WIRTH, this amendment would make the education totals substantially higher than those included in the reported bill. Like the amendment circulated by Senator WIRTH, this amendment adds $10 million for CDC immunization programs. Also like the amendment circulated by Senator WIRTH, these funding increases require no offset because all new budget authority provided is delayed until September 30, 1992.

The increases provided for education programs are as follows: $138 for chapter I basic grants; $14 million for chapter I concentration grants; $50 million for vocational education basic grants; $10 million for vocational education supplemental grants; $62 million for supplemental educational opportunity grants; $4 million for foreign language assistance program; $2 million for impact aid construction; and finally, $20 million for the TRIO Program.

Mr. President, this portion of the amendment I have worked out with Senator WIRTH and I believe he will want to also speak in support of this additional funding for the Department of Education. Funding provided by this amendment is for proven Education programs that we know work. These several programs reach only a portion of the eligible students that are entitled to receive these services and I am convinced that these funds will be put to good use and are well justified.

Mr. President, the amendment would also add $200 million for the Low-Income Heating Assistance Program. As the Members know, this program provides critical heating assistance to low-income families. This is one of the programs that has been ravaged over the last decade. Each year the administration proposes to fund this program at still lower levels than the previous year. This amendment brings the total for the program to $1.8 billion, still below the funding level enjoyed in 1985 when it was funded at $2.1 billion. This does, however, allow us to increase the program by $200 million over the 1991 level. This additional $200 million will provide heating assistance to 772,000 additional households this coming winter.

Mr. President, the need for additional funding in the subcommittee bill was discussed at some length by myself in support of the previous amendment. As I previously stated the funding for the programs in the jurisdiction of the Labor, Health and Human Services Subcommittee are $6 billion below the level they would be had funding just kept up with inflation over the last

decade. The programs funded by this amendment fall short in meeting the authorized levels and needs of the Nation.

I would like to compliment Senator WIRTH for his leadership in fashioning this amendment and bringing us to the point where we are able to bring it to the floor without points of order lying against it. It has broad-based support. I would also like to thank Senator RUDMAN for helping out on this and for the excellent cooperation both he and Senator WIRTH and their staffs have provided in the preparation of this amendment. The amendment now before the Senate has my strong support and I urge other Senators to also support it.

I will have some more to say about some of the programs that are in the amendment, but at this point I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. WIRTH. Mr. President, I rise today to offer an amendment that will allow the members of this body to take a step in meeting the priorities we set for ourselves when we passed the fiscal year 1992 budget resolution.

In May, the Senate passed the budget resolution which included the homefront budget initiative which called for an additional $4.4 billion for proven cost-effective education and family health programs to reestablish our children and our future as our country's top budget priorities. With strong bipartisan support, we set some priorities. We said that it is important for the Federal Government to support the critical programs that help kids be prepared to learn. We said that it is important for the Federal Government to support valuable, time-tested programs in education. We made a choice. We said that our kids deserve our support.

Mr. President, the Appropriations Committee has one of the most difficult jobs in the Senate. Under the leadership of the President pro tempore, the committee must weigh the merits and make tough choices in funding many worthwhile programs. But, Mr. President, it is also my belief is that the priorities set forth in the budget resolution—and agreed to by the whole Senate—should act as a guide to the appropriators as they carry out their difficult and important work during the remainder of the fiscal year. But while the Appropriations Committee was able to make some positive gains for excellent programs—especially Head Start—unfortunately, this bill falls more than $2 billion short of the goals set in the homefront budget initiative.

That is why I am offering an amendment along with Senator HARKIN, and RUDMAN to retrieve a portion of the funding levels set by the homefront initiative. This amendment includes an additional $310 million for education and child health, and $200 million for the Low-Income Heating Energy Assistant Program. Our amendment focuses on several important programs:

It includes $152 million for chapter 1, the formula-based program that goes to school districts that have children below the poverty line. The majority of the funds go toward providing additional services in reading, math and language outside the classroom for about 30 minutes each day. These funds will assist in meeting the educational needs of disadvantaged children with low achievement records.

It includes $62 million for supplemental educational opportunity grants that provide assistance to undergraduate students in financial need. Nearly 40 universities and technical schools in Colorado participate in the program, including Regis, CU, Adams State, Colorado Mountain College, Western State, and Colorado College.

It includes $20 million for the TRIO Program which identifies qualified students who are the first in their family to attend college and prepares and supports them to continue their education. Colorado alone has 23 outstanding TRIO projects serving more than 13,000 students—students that could very well just fall through the cracks if these services were not provided.

It includes $60 million for vocational education—$50 million for basic grants and $10 million for supplemental—to provide critical technical training so that our young people can be prepared for the challenges of the workplace in a competitive world economy. If we are serious about making the United States more competitive in the world economy, a focus must be placed on developing more fully the academic and occupational skills necessary to work in a technologically advanced society.

It includes $4 million for international education to allow our students to participate in comprehensive language and international studies programs—skills that are critical in a global economy. These programs, which I know are working in the State of Colorado, only help to broaden horizons and to increase our competitiveness.

It includes $2 million for impact aid construction grants for school districts that are aversely impacted by the lack of revenue as a result of Federal ownership of property within that district.

It includes $10 million for childhood immunizations to ensure our children are healthy and ready to learn. Mr. President, I would like to add right here that I am flabbergasted that in this Nation, we do not provide the most cost-effective piece of preventative medicine to all our children. The cost savings of providing immunizations is so extraordinarily clear—and think about it, we can make sure that kids do not get some diseases, that they can have fuller lives. We have supported research to develop these vaccines, and then we do not provide the means to ensure that all who can benefit from that research, do benefit.

We hear it often, because we say it often—but each of these programs is a proven, cost-effective investment. Why then should we not support this amendment?

This amendment takes the unused budget authority left under the subcommittee's allocation and makes it usable by allocating it to forward funded education programs. The amendment does not require an offset from any other program in the bill. All of the $310 million for education and child health programs will outlay in fiscal year 1993. Since the subcommittee is at its outlay ceiling and not at its budget authority ceiling, deferring the outlays for this amendment to September 30, 1992, ensures that no program in the bill will be adversely affected.

Mr. President, if we in the Senate are to continue talking about improvement for our Nation's system of education and the welfare of our children we must go beyond promises of national testing and student vouchers and provide the funding necessary to ensure all of our students get the best possible education.

Last year, the Nation embarked on a decade-long effort to improve education. We have set ambitious, yet attainable goals. Achieving them will play a major role in reinvigorating our economy and recapturing our position in the world market. If we fail to have the best educated and most skilled work force, our position in the world economy will continue to decline and our society will never be able to shed the costs of untrained workers—who strongly wish to work but for whom there are simply no jobs for which they are qualified.

But we cannot merely demand results—we must provide the means to attain them.

When the President presented his education strategy to the Congress and the Nation, I could not help but feel that while some of his ideas deserve thoughtful consideration, something obvious is missing.

If we were fully funding programs that are proven and cost-effective, and that meet the needs of the students, would not we now have a country that was closer to meeting the goals outlined by the administration? If every Federal commitment were filled and every eligible child served, would not we have progressed more than we have?

Certainly there are changes to be made and certainly we need to reinvigorate the system, but I say we have to also support the programs we know work. I disagree with the President: I say good can come from new money in education—new money devoted to the programs that have served students well. We just need to serve more of them.

As we continue debating the needs of our children, I hope my colleagues will keep this in mind: All the answers are not hidden away with a few new experiments and creating the best for the few. We already have many of the answers—we need to provide the means to see them actualized.

How many of us have used education and the importance of our Nation's children as a major campaign issue? I think it's safe to say that each and every one of us has voiced our strong and unwaivering support for these programs. Let us take that rhetoric and turn it into reality.

We need to commit our resources to our children's educational resources—from elementary to higher education. Support for well-established and effective programs to diminish the disparity between those with varying and special needs and many of their peers. Supporting the programs to put Americans—trained and ready—can only enhance our competitiveness. Access to financial assistance for college can bring enhanced opportunity to those who otherwise be excluded.

Reluctance to spend more on education stems in part from the mistaken notion that the United States spends as much or more on public education than any other industrialized nation. In fact, we spend less of our GNP on elementary and secondary education than most other developed countries. To be strong, to be competitive and to be forward-looking, this must change.

What we have before us now is the opportunity to act on this voiced support, and vote for something that is a solid, long-term investment—one that will truly benefit our Nation.

Each of these programs is a proven, cost-effective investment. By making this commitment, we can help America's children be prepared to learn, give them the foundation to meet our future challenges and create American workers for tomorrow's jobs.

Mr. President, this amendment is the beginning of a statement to be made by the U.S. Senate and, I hope, by the Congress overall, in reflection of what the country needs. We ought to be investing a significant amount more in education than this amendment does. We ought to be making investments in our future. We ought to be making investments in the 21st century rather than continuing to look back over our shoulders as if the cold war is still under way. We ought not spend the enormous amount of scarce national treasure on weapons systems to fight a war that obviously dissipated.

We can take great heart, I think, in the fact that the cold war is over and that we won. But I think we now have to think carefully about adapting ourselves to a rapidly changing world. So far our appropriations process and our overall spending pattern is not, in my opinion, making that adjustment as rapidly as it should. This amendment is an attempt to speed it up.

This all started in the Budget Committee, of which I am a member, where at the beginning a set of priorities were laid out reflective of last year's so-called budget agreement. The distinguished occupant of the chair will remember that budget agreement which has now brought us a deficit, I believe, of some $330 billion. Certainly it is not the kind of careful deficit decline we were told it was going to bring.

In any case, we have this budget agreement that presumably we are locked into. We act as though we are incapable of making changes in that. As we can see by the vote last night, we are going to have another year of sort of automation activity related to establishing our national priorities. Even though the rest of the world is changing around us, we find ourselves kind of locked in and stuck in the way we are doing business.

Be that as it may, in the Budget Committee this last spring I offered an initiative which was adopted by a better than 2-to-1 majority, Republicans and Democrats, called the homefront initiative. We had had a great deal of discussion about what transpired in the Persian Gulf and about our efforts in Desert Storm and very little attention, unfortunately, Mr. President, being placed on what is going on right here at home. Therefore this was described as the homefront initiative.

The Budget Committee set different priorities than had been set elsewhere—saying we ought to be investing significantly more in education, that we ought to be investing significantly more in our own future. That was the purpose of the homefront initiative amendment which I offered and which, again, was supported by about two-to-one bipartisan majority. It was my understanding that the Budget Committee was set up in part to set priorities; to determine what we were going to spend money on overall and what we were not going to spend money on. That has not been the success it was originally designed to be in 1974 when it was created, but in any case we still try on the Budget Committee to determine that some things are more important than others. One of the things that was attempted to do in the homefront initiative was to give priority to education—preparing young people for school and preparing students for higher education and training students for the workplace—all the things we know how to do and that we should do. There is no great mystery in these programs; we know what works, but, of course, we are not doing them. Our priorities are skewed.

Our attempt with the homefront initiative was to say, and the Budget Committee said it with a resounding majority, we ought to have different priorities.

Things change when you get out of the Budget Committee and get to the appropriations process. I understand that tension exists. I saw that for a dozen years as a Member of the House of Representatives. I see it here now and understand the very difficult jobs members of the Appropriations Committee have, including the occupant of the chair, the distinguished Senator from Iowa, and the distinguished President pro tempore, Senator BYRD, in developing priorities and meeting all the demands that come through the appropriations process.

The homefront initiative declined from about $4.4 billion, as passed out of the Budget Committee, down to about $2 billion. There was some additional funding for Head Start and a few other programs. What we have before us now is an attempt to further these goals and say, in terms of our future priorities, we are going to invest more in education and more in our own future.

There are a whole variety of programs in this amendment for which I am very pleased to have the support of the distinguished chair of the subcommittee, and Senator RUDMAN and others. There are a number of things in here in addition to the $200 million for the Low-Income Heating Energy Assistance Program, which had been a particular target of Senator RUDMAN.

In this amendment, we are adding $152 million for chapter 1. This is the funding that goes to school districts that have children below the poverty line. Probably the single most important target in our society is these kids who have very little family support, neighborhood support, school support, financial support in their communities. If we do not step up the action in the chapter 1 program, if we do not make these investments in the poorest kids in our society, what do we expect is going to happen in the 21st century? It is penny wise, perhaps, but certainly pound foolish for us not to be making these investments.

In addition, there are $62 million for supplemental educational opportunity grants. Again, the same sort of thing, but we making sure that higher education is made available for undergraduates who have significant financial need. Just as in our society overall, we see the gap between the rich and poor growing. Certainly our ability to make sure that all kids, regardless of what their family income is, can go on to higher education, is also changing. Fewer and fewer kids toward the bottom of the income scale are able to go to higher education.

So I ask, are we going to provide an opportunity and do we have an obligation to make sure those kids can also get involved in higher education? I think so. And $62 million in this program will help the supplemental educational opportunity grants.

Also, Mr. President, there is $20 million for the very innovative and important TRIO Programs which identify qualified students who are the first in their family to attend college.

We have a lot of these programs that have been very successful in the State of Colorado. I visited many of those. I have seen those students engaged in a lot of activities. It is very exciting to see kids, first in their families, going on to college, the pride which their schools and their neighborhoods feel and the role models that these kids in fact become. This is another example of, what we can do that is right for kids toward the bottom end of the income scale, toward the bottom of the opportunity scale. We have an obligation to reach out and give these kids an opportunity, not guaranteeing what is going to come from it, but give them that opportunity.

Debate is going on right now over the Clarence Thomas nomination as to whether or not we still have this obligation to society. I think this amendment says loudly and clearly, and I hope my colleagues support it, that in education, at least, we are going to continue to have the kind of aggressive programs for people who have less opportunity in society. It has nothing to do with the color of one's skin. It is just acknowledging that some kids do not grow up with a lot of the privileges that others do.

In order to succeed in this society, we have an obligation to continue to make investment. The TRIO Program is a very good example of that, Mr. President, neglected by the White House, but still the sort of thing we ought to be supporting.

There is $60 million for vocational education. That also, Mr. President, is a very well known program for training young people. If we do not train our young people, what is going to happen in the future? If we are not providing education and adding real value to what the capability of American workers coming into the workplace have, we are just going to have a pair of American hands competing against a pair of hands in Hong Kong or a pair of hands in Bangladesh and that, Mr. President, is a recipe for disaster for the U.S. economy.

Relating to that as well, Mr. President, in this amendment is $4 million for international education. We know that we are going to have to train more and more people to become more and more engaged in our ability to understand the rest of the world, to deal in science and education, to deal in language and education programs, to deal in a variety of similar sort of endeavors.

In 1980, Mr. President, we had about 150 international studies programs in the country training people in language, training people in culture, training us to understand the rest of the world. In the last 10 years, the number of those programs has declined dramatically at a time when the world is becoming more competitive, more interdependent. Under the last administration and this one, we have seen a continuing decline in our attention to learning about the outside world, another part of the foolishness and myopia what we have been doing as a society. What we are trying to do is shore up these programs a little more and make a statement that these things are important. We ought to spend a great deal more effort to develop these language-in-training area programs, but this is a step in the right direction.

Child immunizations: $10 million is in here, Mr. President. Now, approximately nearly a half of the immunizations that kids ought to have by age 2 in this society are not being given. The simplest, most straightforward preventive medicine that we ought to be having is to immunize children, and we are not doing it. In 1980, almost every child in the country was being immunized. It is now 1990, and we have this vast number of young kids who are not being immunized.

That is, first and foremost, the easiest protection of public health, and we say we cannot afford it. We can build new nuclear weapons programs for a cold war that does not exist any more—we have 12 aircraft carriers to project power to the Soviet Union, but we cannot immunize kids right here at home, the simplest, most straightforward kind of priority that we ought to have. We wonder about soaring health care costs and we are not even immunizing children. It is extraordinary.

In any case, my amendment attempts as well to inject some more funds into the Child Immunization Program. I would think this should be the simplest thing in the world to do. Yet there probably will be some opposed to that as well saying this is excessive governmental interference, whatever it is, in the marketplace of life. Maybe that marketplace means these kids ought to be diseased rather than immunized. I do not understand that set of priorities, but let us hope this amendment will be agreed to and we can do more in terms of child immunization.

There is a lot for us, Mr. President, to be indignant about as to what is going on in this country. Happily, we see all too much of an approach of people who just share a kind of quiet resignation; they say there is nothing we can do about it. We are seeing our education system fall apart. We are seeing our public health care program fall apart. We are seeing the gap between rich and poor expand. We are seeing more hopelessness in our cities. We see more kids who feel they do not have a chance. We see young kids who want to go on to higher education and cannot afford to do so and people just become resigned. Resignation reigns. That affects a lot of American Government politics and peoples' attitudes towards what is happening.

We cannot continue that, Mr. President. We have to continue to try, despite what has gone on in the last 10 years. It seems to me we have to continue to work to try to make sure these fundamental investments are made, to share the kind of indignation that I know the occupant of the Chair feels and that many other people in this country ought to feel about what is going wrong in this country and the changes we ought to be making. The pattern of our spending ought to be changed. The investments we are making in the future ought to be changed. The commitment we are making to the young people in the 21st century ought to be enhanced.

This amendment is a modest attempt to take a step in that direction. Maybe it is something of a wake-up call not only to Members of the U.S. Senate and Congress but, in a sense, to people in the country, that there is the sense still that we have some obligation. That is reflected in this amendment.

I hope my colleagues support this amendment, Mr. President. I think it is a modest step in the right direction.

Again, I want to thank the distinguished Senator from Iowa for his great help on this. I know that he shares these goals absolutely and has been very eloquent on the subject. He has not been one of those people who has been resigned to this. He continues to fight, continues to battle, continues to put his shoulder to this wheel. I wish we had many more like him. Mr. President, I thank you again for recognition.

Mr. HARKIN. Will the Senator yield?

Mr. WIRTH. I will be happy to yield to the Senator.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank the Senator for yielding. Again, I want the record to show that it was Senator WIRTH who initially came up with this concept of how to put this package together. I worked with him on this amendment; our staffs worked together. Again, you will not find a stronger champion on the Senate floor or in the country than Senator WIRTH for fighting for young kids in this country, fighting for adequate funding for education.

Sometimes we tend to think when we are on a committee, it is the committees that know everything. Sometimes you have to be outside the committee to take a look and reflect what is going on in order to come up with new ideas, new ways to do things.

So I really want to thank Senator WIRTH for coming up with this concept of how we were to build this into the budget this year so no points of order lie against it, and where we could actually start to meet the actual needs of young people in this country.

Senator WIRTH knows that yesterday there was another Senator on the floor who spoke about spending the peace dividend, not investing it. This is investment. This is perhaps the most sound investment that we can make in this country to once again confront the world community in the areas of competition in manufacturing, trade, and education, because if we let this whole generation of young kids go by without providing adequate immunization and health care, education grants, the basic grants, or meeting the needs of our college students who need the Pell grants, the supplemental education opportunity grants, there is absolutely no way that this country is going to maintain its leadership in the world community, absolutely no way.

Senator WIRTH knows that. That is why I compliment him on taking the leadership in putting this together. I think this is really the first, Mr. President, we will see here in the coming months a determined effort by many of us to start to shift the priorities of spending in this country, to quit spending so much money overseas, to quit spending so much money to try to defend Europe from the Soviet Union, or whatever it is called now. Let them start paying their own way for a change and let us start investing in the young people of this country, in building that future here. That is exactly what this amendment does.

Again, I thank Senator WIRTH for all of his help and leadership in putting this together.

Mr. RUDMAN. Mr. President, I am pleased to join the chairman of the Labor-HHS-Education and Related Agencies Appropriations Subcommittee in supporting an additional $200 million for the Low Income Home Energy Assistance Program [LIHEAP]. While this amendment provides an increase in the regular LIHEAP account above the level approved by the Appropriations Committee, it also shifts an additional $239,393,000 in delayed obligation funding to the front of the program, thereby making $1,094,393,000 available immediately on October 1, 1991, for this winter's heating season. This is a critical improvement over the Senate-reported version of the bill which would have provided only $855 million to States on October 1.

LIHEAP provides safety net protection for our Nation's poor and elderly citizens. It is particularly important during times of economic hardship, because it is one of the only programs available to the newly poor. Yet, the program is serving less than one-quarter of all eligible households at a time when eligible clients have increased by approximately 2 million.

The loss of heating assistance in cold weather States poses life-threatening situations for our most vulnerable citizens—the elderly, children, and the handicapped. It is these populations that comprise a majority of current LIHEAP clients. More than half of these clients have incomes below $6,000 and annual energy costs which exceed $900—nearly 13 percent of the total income for an average LIHEAP household. By contrast, an average American household spends only 3.4 percent of its income for home energy.

When Federal LIHEAP benefits fail to meet the energy requirements of the poor, serious human consequences occur. Two years ago in New Hampshire, a mother had her 18-month-old child removed from her home by State welfare authorities because she couldn't provide adequate heat and electricity for the child. Similar human tragedies occurred elsewhere in the frost belt that same winter. The Senate version of this bill, as amended, may help to avert some of those tragedies when cold weather sets in, but it is a bare minimum that we simply must maintain in conference with the House of Representatives.

There are a number of difficult choices that we have had to make in providing funding for the many important programs in this bill. Virtually every program funded through the Departments of Labor, Health and Human Services, and Education provides some measure of assistance to our Nation's most needy and vulnerable citizens. I am pleased that we have found a way to make some additional money available for this critical poverty program for the winter heating season and I thank my colleagues for working with me to make this possible.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM

Mr. SPECTER. Mr. President, I join with my colleagues Senator HARKIN and Senator RUDMAN in strong support of this important amendment which provides an additional $200 million for the Low-Income Home Energy Assistance Program for fiscal year 1992.

The LIHEAP Program provides grants to States to deliver critical assistance to low-income households struggling to meet the growing costs of heating and cooling their homes. This program is of vital importance to many low income individuals and families across the Nation. This is especially true for Pennsylvania, where a lack of adequate funding means risking the lives of individuals who without assistance cannot maintain sufficient utility usage in their homes. The average program participant in Philadelphia spends nearly 40 percent of their income on utility services. Over half of the LIHEAP recipients in Pennsylvania have incomes of less than $7,000.

The President's budget proposal for LIHEAP represents a cut of over $600 million from last year, and the House of Representatives bill recommends a level of just slightly higher than the President's. Estimates show that under both of these funding levels, 110,000 eligible Pennsylvania households will not receive assistance this year. It is clear that cuts of this magnitude cannot be absorbed by States. More importantly, these cuts cannot be absorbed by the households that depend upon this assistance.

This amendment will increase the Senate level to $1.5 billion, which still falls $1 million short of meeting last years funding level. As ranking minority member of the Appropriations Subcommittee on Labor, HHS, and Education, it is my view that we are still faced with the problem of providing adequate resources for LIHEAP and other human services programs due to an inadequate budget allocation to the subcommittee.

Mr. President, I had hoped that we would not have to be in this predicament. Earlier this year I wrote to Senator BYRD, chairman of the Appropriations Committee, to urge that he give careful consideration to the growing demand being placed upon the Labor, HHS, and Education Subcommittee as he considered allocation recommendations. Back in June, when the full Appropriations Committee met to consider subcommittee funding allocations, I proposed an amendment to raise the Labor, HHS, and Education Subcommittee's allocation by $2.7 billion. Had this amendment passed, it would have enabled a funding recommendation for the LIHEAP Program at, or above, the fiscal year 1991 appropriation. My amendment failed to be adopted by the full committee.

Mr. President, this amendment is a step in the right direction for the LIHEAP Program in light of the inadequate resources available to the subcommittee. I have been and will continue to be committed to work on maintaining as high an allocation as possible for this vital program.

Mr. HARKIN. Mr. President, I ask unanimous consent that Senator

LEAHY be added as an original cosponsor of the amendment now pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIHEAP

Mr. LEAHY. Mr. President, I have been to this floor many times in the past decade to talk about how important the Low-Income Home Energy Assistance Program is to the people in my State, across the Frost Belt, and to the South.

But never before have I come to the floor with a greater sense of urgency than I do today. If LIHEAP takes the cut proposed by the Appropriations Committee, thousands of people in Vermont will go without heat in their homes this winter.

This is one of the most difficult budget years the Senate has ever faced. We are forced to underfund necessary programs because, in order to protect the very future of those programs, the budget needs to be balanced.

But, we cannot balance the budget on the backs of the very poor.

In the middle of a deep recession that is forcing the working poor into deeper poverty, we are pulling the rug out from under them and their families.

LIHEAP provides energy assistance to the working poor, elderly, handicapped and low-income individuals.

At the current committee mark, this emergency program will suffer an inordinate 53 percent cut in funding available to start up the program. An additional $445 million will not be available to States until September 30, 1992.

I have to question where our priorities are if a cut of this magnitude to a program that provides a basic shelter need to those who cannot afford it is allowed to pass the Senate.

If LIHEAP was funded at last year's level, thousands of families in my State would have gone without heat in their homes this winter. With this deep cut, even fewer will have power in their homes. Those who do receive assistance will only receive enough to carry them through the first few weeks of the month.

The deep recession across the Northeast has increased LIHEAP-eligible households by almost 20 percent. What does it mean to be "LIHEAP-eligible?"

It means a family that will go without heat when the temperature drops below freezing.

It means a family that will not be able to turn on the oven to cook dinner, or turn on the lights after it gets dark.

These families are in economic crisis.

The average annual income of a LIHEAP household is about $6000.

Seventy percent of all households who receive fuel assistance have children under the age of 10.

What happens when people cannot pay their utility bills?

The power gets turned off. Their homes become unlivable. Energy-related homelessness is the second most frequent cause of family homelessness.

Tenants who cannot pay their utility bills are evicted from their apartments with little notice.

Elderly persons and those with disabilities do not receive assistance until the cold season is well underway.

All the pieces are in place for a disaster.

Senators HARKIN, WIRTH, and RUDMAN have proposed a practical amendment to increase LIHEAP appropriations by $200 million above the committee proposal, bringing total LIHEAP appropriations to $1.5 billion. This will not bring LIHEAP to last year's level, but it will help avert disaster for more families than the committee proposal. I urge my colleagues to support it.

LIHEAP is an emergency program. For most families, it means there will be enough money left over after utility bills to buy food, and that their homes will remain livable for another month.

In the middle of a deep recession, it would be irresponsible for the Senate to deny emergency assistance to the working poor, to the elderly and disabled, and to low-income families.

Please join me in supporting Senator HARKIN's amendment.

Mr. KASTEN. Mr. President, I rise in strong support of increased funding for the Low-Income Home Energy Assistance Program [LIHEAP].

LIHEAP provides assistance to eligible households to meet fuel cost burdens during the heating season by providing payments to local fuel dealers.

Mr. President, the additional $200 million dollars will go a long way in helping the 6 million low-income Americans keep heat in their homes.

This year, approximately 340,000 Wisconsin households benefited from the LIHEAP Program. While the $1.5 billion is still short of the total funding needed to provide heat to the poor, it is a major boost from the $1 billion recommendation by the House of Representatives.

The results of not providing this additional funding would be too chilling to reveal in a cold-weather State like Wisconsin.

I applaud the subcommittee members for their hard work in finding additional funding levels to assist the elderly, handicapped, and the working poor who desperately need this assistance.

Mr. HARKIN. Mr. President, I ask unanimous consent that Senator METZENBAUM be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the amendment?

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The pending question is amendment No. 1084 to committee amendment beginning at page 3, line 24.

Mr. DOMENICI. Mr. President, there is no time agreement or limitation on the Senator from New Mexico?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Let me say to those who are supportive of this amendment, I do not desire to speak longer than 10 or 15 minutes. Then as far as the amendment goes from the Senator from New Mexico, we can proceed.

Mr. President, I come to the floor today to remind Senators that we are now engaged in what I will call, as the Washington Post did, new budget games. The editorial that was written in the Washington Post on the 26th day of July labels exactly what we are doing here today as a new budget game.

I ask that this editorial be made a part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 26, 1991]

NEW BUDGET GAMES

It was only a matter of time before Congress would begin to test the limits and seams of last year's budget agreement. Yesterday the Senate Finance Committee proposed to provide—but not to finance additional unemployment benefits for workers who have exhausted the regular 26 weeks. The panel urged the president to cover the cost of the response to the recession by calling it an emergency, which under the budget rules means that it could simply be added to the deficit.

The House Appropriations Committee demands a similar exemption for $1.75 billion in flood, drought and other disaster assistance to farmers. The administration is resisting, but the committee rightly notes that the president has readily granted emergency status to various grants of aid abroad.

The emergency door is only one of several being tried. The forward funding door is another. All kinds of groups, from the military and space agency to the education lobby, are trying to beat the system by locking up spending in advance. Under the rules, appropriations subcommittees have two limits placed on them—one for spending authority that can be exercised over several years, the other for likely actual spending in the year ahead. The limits don't always match; the Senate Appropriations subcommittee on labor, health and human services and education hit its spending ceiling for fiscal 1992 before exhausting its alloted authority.

The Appropriations Committee has taken back part of the unused authority; education groups are trying to seize the rest. Sen. Timothy Wirth will ask the Senate to reserve it for various education programs but defer the

spending until fiscal 1993. If Sen. Wirth succeeds, that will make it even harder for the subcommittee to live within its likely 1993 spending limit. In that sense the deferral is a forcing device, or as Sen. Wirth calls it, a wedge.

One of three things can happen. The subcommittee can pay for the increased education spending by shorting the other social programs in its jurisdiction. The full Appropriations Committee can give it more money at the expense of other domestic subcommittees (under the budget rules defense is off limits). Or the election-year pressure can end up such that Congress and the administration simply decide that the budget agreement is too tight and breach it. It's generally accepted that they're likely to do that after the election, anyway, when the agreement will bind even more. Why not before?

Sen. Wirth says he's just fighting, fairly, for his good cause. But that's what the Senate Finance and House Appropriations committees are saying too. They're all good causes, but in the end, if the deficit isn't reduced, they all will be disserved. If Congress wants to spend more on education, fine, but it also needs to indicate where the money's going to come from.

Mr. DOMENICI. Mr. President, now with the 5-year budget agreement with actual dollar amounts for defense, domestic discretionary—which includes the bill that is before us and the amendment that is before us—and foreign assistance, and with actual dollar numbers for the years 1991, 1992, and 1993, we now have a completely different approach to playing games with the numbers.

It used to be that we called the ways we did business "smoke and mirrors." In the past, we have called moving money from 1 year to another a major gimmick. Let me remind the Senate of how the Senate and the House used to do this. Let us say we were talking about military pay, and we were concerned about the fact that we would break the allowance for defense if we put all the pay in from the beginning of the year right on through. Well, we would frequently move to pay back a day in the prior year and, thus, it would all be charged to the prior year, rather than the fiscal year when you were paying it. Or, occasionally, what we would do, we would just move the obligational time around within the 12 months.

So to my good friend, a former Governor who understood fiscal policy and had a better fiscal policy in his State than we do in this Nation, what we used to do is to say if we cannot pay for a program because it will not fit in the year where you have to balance the budget—and that is what we are supposed to be doing now, balancing between a predetermined fixed dollar amount—we would just say let us not really start it until 6 months into the fiscal year and, thus, it will only cost half as much.

But, you see, what you do when you are engaged in that kind of a practice is you predispose the next fiscal year's priorities to this fiscal year's appropriations.

Frankly, the Senator from New Mexico would rather not have an appropriation bill every year. It seems to me we ought to do them for 2 years. But we are not. I do not think we ought to let the opportunity go without reminding the Senate—in particular the appropriators, in particular those who want to live up to the agreement—of how much harder it is going to be next year because of this new budget game that we are playing.

I just want the Senate to know that my good friend from Colorado is not the only one that does this. He is not even the first one that does it this year.

The new budget agreement does not make this kind of budget game subject to a point of order. That is not in there. It has never been in the budget process, unless you make it there specifically. And the budgeteers, in the 5-year agreement, chose not to do it, not to make that moving the money around—chose not to make it a point of order, because those who put the agreement together assumed that we would be, in our own self-interest, very careful about doing what we are doing in this amendment; that is, saying we are going to fund certain education programs, because there is obligational authority left; fund it, but do not pay for it until the end of the fiscal year, and then it goes on into the next fiscal year as a program that is already funded. It goes into the base. It takes up the space that you would have had there to look at all the programs and see what you want to do.

Frankly, let me tell the Senate that what makes it a little bit difficult today, to do anything more than remind the Senators, is that we are already engaged in it in a pretty extensive way.

The Senator from New Mexico, on every bill that went through that did this, reminded the Senate.

But now the cumulative effect is getting very large, meaning that next year when you have to meet the targets, one of two things will happen. It will be very tough to do it, and you will break the targets. Second, those who have already gone under the new budget game and sought their funding will get yet more, while the others will get less, because there will not be any room left to the extent that you have already prespent it, along with the other basic programs.

So what we are doing is funding education with increases, and then coming along and saying: let us have another increase, but since we cannot pay for it, let us not really spend the money until the end of the fiscal year, so it will all spend out in the next fiscal year.

I wish I was better at describing what this is. But the best I can do is borrow the words that the Washington Post used and call it a new budget game. They knew about the gimmicks of the past and the smoke and mirrors. This is another new one. That does not violate anything, except next year it probably will force a violation of the agreement, or it will make us spend a lot less for other programs that had just as high a priority and perhaps were not getting the increases that this program is.

In summary, the agriculture bill that came before us, I must say to the Chair, had $176 million in delay of obligations. That is what we call this: delaying the obligations.

This bill that is before us, as I said yesterday in arguing against the Harkin amendment, even before the Wirth amendment, had $2.78 billion in delayed obligations. They were in programs like SLIAG, Centers for Disease Control, refugee assistance, human development services, transfers from education to HHS, SSA—those kinds of programs all had delayed obligational authority, and it amounted to $2.78 billion. We will add another substantial amount with this amendment, $500 million; so we can add to that the $2.7 billion already in the bill and make it $3.2 billion.

We also have VA–HUD. Believe it or not, they usually are the largest of the delayed obligations, because we continue to try to pay for more than we can. That is the gimmick there. But the delay in obligations there pales in comparison to the bill before us. VA–HUD has only $786 million. The combined total of all bills is $3.755 billion. Add $500 million for this amendment, and we have $4.2 billion in delayed obligational authority in the appropriations process on the Senate side alone thus far. I do not believe that is going to work for very long.

It seems to me that it is better to at least remind the Senators what is happening, remind the people who are the beneficiaries what is happening. If next year, when the allocations occur in the subcommittees, the Appropriations Committee decides that they are already funding Labor, Health and Human Services to an extensive amount and gives them less of the new money, everyone will understand that they already got more than we had to spend, so we put it in to be effective at the end of the fiscal year, or the beginning of next fiscal year, so we would not be held accountable for it this fiscal year.

In essence, if you are wise enough in the budget ways, you can apply these new budget games, and the caps that have been set are out the window, because you can fund anything you want at the end of the calendar year. The only thing is that the bell will toll when the time comes next year, when you have to decide how much you have to spend on the other things you want to pay for as part of this ongoing Government, because the caps do not go

away. They are still in the law. They still subject to a point of order. Essentially, the Senate saw what a point of order was yesterday on the caps, when an amendment by the floor manager, Senator HARKIN, was defeated by overwhelming numbers, because the point was made that it would change the caps on the floor here in the Senate with one vote, for one bill, without looking at overall changes; the Senate decided by almost 70 votes—68 or 69 votes against—to not waive that budget process which is the only discipline we have.

Today we are waiving that in an indirect way, as I have described here this morning.

Let me close by saying to my friend from Colorado—and I think he already knows this, but I want to put it in the RECORD. Frankly, I have been one who says there are a lot of Federal programs that are not high priorities. If we want to do something that is high priority, it ought to be in some of the education areas, along with some research. So I would be more than willing to restrict and restrain and even reduce other programs to pay more for the kind of education programs that he is here on the floor asking for the Senate to fund.

Frankly, I have some empathy with him because nobody will do that. I am sure my friend from Colorado would do that. I think you could look at the myriad of programs and say let us put education and research and one other as top, and you could probably fund them to the extent he is asking here.

That does not get done. Everybody pays for everything we have on the books. All 2,800 programs are all born equal. None of them wear out. They seem to be glossed with some degree of eternalism. They go on forever.

So I imagine in somewhat of a frustration, he decides that if he cannot do it that way, he will do it another way. I think he knows that he is prejudicing other programs next year. Or let us not use that word. Let us say it will push other programs very hard, and to that extent it may—who knows; it might be it will come out OK.

I do not think we should put that amendment with the cumulative amendments I have spoken of already, cumulative bills that will now put about $4.5 billion delayed obligational authority in the appropriations bill.

I did not think we should let it pass without some serious comments about a serious subject.

Mr. President, I yield the floor and thank the Senate for the time.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. WIRTH. Mr. President, I appreciate the comments and analysis of the distinguished Senator from New Mexico. He and I fought the budget wars for more than a decade one way or another. He is a very careful analyst of the budget process. He is exactly right about what we are trying to do with this amendment. We are going to put the squeeze on other less useful programs for the pot. That is exactly what the amendment is intended to do.

Let me explain: We have a budget process where the Budget Committee made a set of determinations about what the priorities were going to be. Yet those priorities did not transfer into the Appropriations Committee.

What happens in the Appropriations Committee is the pot gets divvied up between the various Appropriation Subcommittees, and as the Senator knows, you cannot, given the current process, transfer from one Appropriation Subcommittee to another. You cannot do it. That is exactly the case.

I will bet if you did an analysis of the speeches and the rhetoric and the discussion by 100 Members of the Senate, you would find that they all have said their top priority is education. I will bet you that is exactly what would happen.

Now unfortunately, having said this is their highest priority, what happens next is that we end up doing all the other things the distinguished Senator from New Mexico just described. We do not cut any other programs. What we do is we cheat the priority that everybody in this institution has said is their highest priority.

This Senator is sick and tired of that many saying it, and not doing anything about it, given the lockstep we are in with the current budget process.

Second, we signed a so-called agreement last year that was supposed to bring the budget deficit down. Now, all my colleagues know that the budget deficit is not going down; the budget deficit is going up, and we are now at about $330 billion of budget deficit.

One very distinguished colleague of mine made a very good comparison of what goes on. In 1980, a high school graduate was inheriting $9,800 worth of debt. In 1990, a high school graduate inherited $30,000 worth of debt. In the year 2000, that high school graduate will inherit $80,000 or $90,000 worth of debt.

This is a crazy economic policy that we are pursuing. It makes no sense at all. It makes no sense whatsoever. And we are going to lock themselves into a budget situation where we have $330 billion in debt, and we say we are locked into that. That makes no sense to this Senator. I think we ought to be changing that.

That kind of debt is not sustainable. Yet everybody says we made this deal in 1990—one that is not working—and we are not supposed to do anything to change it. The cold war is over and we are not supposed to do anything about it. The Soviet Union is falling apart with each day, and we are not supposed to do anything about it. We have problems in our cities, and we are not supposed to do anything about. We have undereducated young people, and we are not supposed to do anything about it because we have some kind of a crazy budget situation where everybody in here says these are the highest priorities, but we are not supposed to do anything about it?

What are we elected to do? Presumably, we are elected to make various priorities, and that is what this amendment is all about. The distinguished Senator is exactly right. If you cannot do it one way, figure out how to do it another. I did.

What is this going to do in the future? What this is going to do in the future is squeeze programs next year; exactly right. And it is going to make us understand that we made some commitments to education that are going to have to be funded next year; exactly right. I wish it were significantly higher. I wish our priorities were significantly different, but this is one opportunity to change those. That is exactly what this Senator is attempting to do.

We are making priority decisions for next year, and we are going to squeeze other programs because we made this commitment. It is for education. Is it a gimmick? No. What it is is the careful use of the budget process. Everybody else uses it—it gets done—to set priorities different from what this Senator wants. We are now going to get some priorities, I hope, that this Senator does want to see. It is about time we started to do so.

Is it a gimmick? No. It is perfectly legal within the budget process, within that budget process that some believe we are locked into. And as long as we are locked into it, I say then let us use what we are locked into, and at least try to make some effort to reach the priorities that we are talking about.

One final point, Mr. President. What is this going to do? It is going to squeeze other programs in the future. It is going to squeeze a defense budget where we are still spending $50 billion a year more than we were at the height of the cold war. The cold war is over, and we are spending $50 billion a year more than the cold war norm in 1991 dollars. Unbelievable.

We are going to start to squeeze those programs, and we ought to be doing it. Then we say: And how is this deficit getting there? We had this enormous S&L deal, you remember, Mr. President. One of the reasons that we have this is this mammoth expenditure of public money because we deregulated the S&L industry in 1982 to get the Government off our backs, deregulated the industry, put it out there, let them do whatever they wanted with taxpayer-guaranteed money. That is what happened.

What did it cost us? Not the nickels and dimes we were told right before the last election. We then added $56 billion to bail out the deals that were cut in

1988. Another $60 billion was added. That is $116 billion. Another $20 billion was added; that is $136 billion. And we are now being asked to put another $80 billion in it; $216 billion of taxpayer money going into this, and do we know where that taxpayer money is going? No. We cannot find out where it is going because the administration will not release that data.

If the distinguished occupant of the chair wants to find out what happened to a failed S&L, or people in his State want to find out, you cannot find out. The people in my State want to find out what happened to a failed S&L. You cannot find out. Why? Because we are blocked into a way of doing business where the taxpayers of this country cannot even find out what happened to $216 billion. We are locked into that. Are we going to put our backs on that? No. We are going to try to change that, too.

Mr. President, this amendment is about change. This amendment is about trying to change the process, striving to change our priorities, and I hope that Members understand that. It is going to make some awkward decisions again next year; no question about it. This is going to squeeze some programs next year. It is going to squeeze programs such as defense, squeeze programs from other areas that I believe—and I bet you everybody in this Chamber has talked about this—are lower priorities. Let us make them do it. That is going to happen next year.

Mr. President, I believe this amendment is going to pass. I think Members now have an opportunity, Senators have the opportunity to focus on that priority that they all spoke about.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from New Mexico [Mr. DOMENICI].

Mr. DOMENICI. I thank the Chair.

Let me just make one comment and observation regarding the 5-year budget numbers. My friend from Colorado talked about the deficit going up instead of down.

Frankly, I think everybody would agree that it would be yet worse if we failed to comply with the caps that have been set for defense, for domestic and foreign assistance, and if we failed to enforce the pay-as-you-go provisions of the budget agreement, the combination of which is probably the most stringent fiscal policy in terms of process that we have had in many a decade.

In fact, I do not know when we have had a stronger enforceable fiscal policy mechanism built into something that is there for 3 more years.

The Senator from Colorado said, however, instead of coming down as projected, it is going up. I just want to make this observation. That is true. That is true. But there are only two reasons for it, and I think they are both understandable and both would, I think, cry out for enforcing the remainder of this agreement, not destroying it. I am not implying the Senator from Colorado is for destroying it, throwing it away. But essentially it went up because the estimate of what we had to pay as a people to those Americans who had deposits in failed S&L's, up to $100,000 that we have to pay to every depositor in one of our guaranteed S&L's, that number has gone up a great deal more than anyone expected, and that accounts for part of it.

And then we should know that, in that regard, we charge all of the expenditures and we give no credit for the assets. So if you take over a failed thrift, you pay all the depositors, that is where the money goes. Some people think it goes somewhere else, that your tax money goes to pay those depositors and then you have a bunch of property, cars maybe, automobiles, furniture, real estate. Well, that does not go on our books to offset the amount. What we do is, when we sell it, we take credit for it. So what we get is sort of a double whammy in the year you pay out because you charge for all the payouts; you collect the assets and get no credit for that, and then the next year or the year after, when you sell them, you get credit for the receipts. And it is very large. It might be $30 billion, $40 billion.

Second, the recession was predicted to be slightly less onerous in duration than it was, and, as part of that, there is an unexplainable error in the revenue estimates that is rather large. It does not have anything to do with the recession. Everybody is out there looking to see why was the revenue estimate down, and it has something to do with the tax reform and the estimates that went into that from the Treasury Department, and that is substantial. I cannot remember right off the top of my head, but as much as $20 billion in fiscal years 1991 and 1992.

So I just wanted my friend to know if those were set down a bit we would be on a path downward again. Frankly, I do not believe 2 or 3 years from now that we are going to have nearly the fiscal crisis we have today. I only hope that the cumulative deficit does not do us irreversible harm in the meantime because I think we will be on a definite, fixed path. I do not think we will keep the pay-as-you-go provisions in for new entitlements, which is a very good process for us to enforce around here so we do not pass anything that has new expenditures that we are not willing to pay for.

I yield the floor.

Mr. WIRTH. Mr. President, I appreciate the analysis just given as to why the deficit is higher. As the distinguished Senator understands, there is a very clear distinction between flat losses in the S&L's and working capital. The $216 billion that I am talking about, Mr. President, are flat losses—flat losses; $56 billion in 1988. That was to clean up the deals that were made right prior to that election. At the end of the last administration, $56 billion to clean up. We probably have not seen the end of that one. But we know there is $56 billion in losses there. There was another $80 billion last year. Now they have come and asked us for another $80 billion of losses. That is $216 billion of losses.

In addition to that is the working capital. That working capital is what is required to take over one of these institutions, take over all the property. That costs the Federal Government and then presumably—presumably, theoretically, you know, "I gave at the office"—we are going to get that working capital back because we sold these assets to the RTC, that wonderfully efficient, surgically operated institution that we have all come to love and respect. The RTC is supposed to get us back that working capital. Now if you believe that, I suppose there are a lot of other things you will believe as well.

But I am leaving that aside of the $216 billion number, Mr. President. I am leaving that aside. The $216 billion I am talking about is a flat loss to the taxpayer—flat loss to the taxpayer. Part of that inherited loss that young people in this country are going to come up with when the sins of the 1990's come back, and we are chewing them up right now.

So there is a distinction between the working capital. But I am speaking only about flat losses, and we hope we get that working capital back. I am not going to hold my breath if we do or not.

The other thing is related to the recession, and the distinguished Senator's analysis is quite right. The recession was more onerous than people had thought. We are getting now some very optimistic estimates—and we have heard these for quite a while—out of the administration about how the recession is over, how the country is recovering. Now that may be something that is said at OMB or said in the Treasury or said in the White House, but I have not anywhere in the country heard people telling me that the recession is over, that we are recovering, that there is robust activity anywhere. I mean, people are in real trouble, and I suspect those people in reality outside of the beltway—I wish some of the people downtown would move outside of that and would understand that we are not in a situation where we are recovering, that the recession is over. We are bumping along at the bottom and in many cases we are still seeing a lot of the excesses of the last decade getting washed out in the whole process. The recession is not over. The optimistic projections were just wrong. The distinguished occupant of the chair

will remember the incredibly optimistic projections in the budget agreement of 1990; that were going to have this great amount of growth and so on. It is not going to happen. No realistic analyst believes that is the case.

In any case, we have this budget agreement. The point is we have this budget agreement that is presumably sacred. It is a budget agreement that was supposed to bring down the deficit. The deficit is not going down; it is going up. And the cold war is over, but our defense expenditures continue at a very high level. We have a situation in which the gap between what we ought to be doing in the country and really are doing in the country is growing. We are putting ourselves in an awkward situation by not investing in our own future. That is what this amendment is all about.

I hope, Mr. President, that Senators will agree with the priorities of this amendment, which matches the discussions that have come from everywhere, and end up adopting the amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WIRTH. Mr. President, on the Wirth amendment, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WIRTH. Mr. President, I yield the floor.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEFLIN. Mr. President, I rise in support of the amendment offered by my friends and colleagues, Senator TIM WIRTH and Senator TOM HARKIN.

Today we have the opportunity to vote on what may be the most important—and meaningful—education vote that will be cast this Congress. The amendment to the Labor, Health and Human Services, and Education appropriations bill, which I am supporting, restores much-needed funds for priority education programs. The Wirth-Harkin amendment will place the resources necessary behind outcries we have heard calling for improvements in education. The adoption of the Wirth-Harkin amendment will be a significant step toward shoring up support for the poorest children in our Nation.

Earlier this year, with the passage of the homefront budget initiative, a solid bipartisan majority of the Senate and of the House agreed that the education and health needs of our children must be one of the Nation's highest priorities. The congressional homefront budget initiative included a $3.1 billion increase for vital education programs, such as chapter I reading and math instruction for disadvantaged children, the newly authorized Vocational Education Program, and other successful programs that were significantly underfunded.

Mr. President, the Labor, HHS, Education appropriations bill falls $2 billion short of that commitment by allocating an increase below inflation for the education of our Nation's students, and over $1 billion below the commitment made in the House appropriations bill. The bill as reported by committee would deny millions of students an equal opportunity to the crucial education services and aide that we promised in the homefront budget initiative.

Education is the backbone of our Nation. If we are to be competitive around the world, we must begin now to improve our instructional program at the elementary level, high school, and indeed in higher education.

In my home State of Alabama, we are in fiscal proration. It is necessary for the Federal Government to step in and provide the much-needed funds so that our school districts may carry out their mission.

The President's "America 2000, an Education Strategy" makes it clear that the rest of the world is not sitting idly by, waiting for America to catch up in education. The President has said: "Serious efforts at education and improvements are under way by most of our international competitors and trading partners."

We cannot pull the rug out from under our educators at a time when there is a dire need for computer literacy, improvements in math and science, as well as other vital education programs.

Mr. President, I ask unanimous consent that the following charts be made a part of the RECORD. The charts I am submitting show comparisons of the education funding allocations from the original Wirth homefront budget initiative, the President's request, the House allocation, and the Senate allocation as reported by the Appropriations Committee, as well as the break down for the allocation on chapter I, vocational education.

The figures are dismal. The homefront budget initiative that we voted for allocated a $3.1 billion increase for education funding. The Senate Appropriations Committee, however, negated that priority when it reported its allocation of only $1 billion for last year's level. The outlook for chapter I funding is bleak. Although the House matched the $1 billion commitment that was allocated in the homefront budget initiative, the Senate allowed a mere $200 million increase above last year's level. In fact, in my State of Alabama alone, we would lose out on $15.3 million in chapter I funds as compared to the House mark.

Funding for vocational education, although at $400 million above the fiscal year 1991 levels in both the homefront budget initiative and the House appropriations, was only at $77 million in the Senate Appropriations Committee allocation.

The amendment which I am supporting will address this shortfall by adding $510 million to the committee bill for priority education programs, including chapter I vocational education, secondary education opportunity grants [SEOG], the TRIO Programs—Talent Search, Upward Bound, and Student Support Services—as well as the Childhood Immunization Program.

Mr. President, it is important to note that this amendment defers outlays until September 30, 1992, and therefore does not require offsetting outlays from other programs in the bill. Adoption of the Wirth-Harkin appropriations amendment is essential to meet the commitment made to our students in the congressional homefront budget initiative by allocating real resources to programs that serve them.

Our country must invest in the education of its children. We must allocate the resources to pay for their education throughout their school years—for reading instruction, for our disadvantaged 6-year-olds, as well as early intervention programs for our preschoolers. We must provide a quality education for our most disadvantaged high school students, as well as providing those same students with an equal opportunity to go on to college. America cannot continue to be a strong and prosperous nation unless we invest the resources necessary for the education and health needs of our children.

Mr. President, on behalf of all children in Alabama, I will vote for and support the Wirth-Harkin amendment. On behalf of our Nation's youth, we must all vote "yes" for this amendment. No investment is more critical to our Nation's future than the investment in education.

Mr. KOHL. Mr. President, I would like to take a moment to associate myself with some of the remarks made by our colleague from New Mexico, the ranking minority member of the Budget Committee.

Last evening, I supported my distinguished colleagues from Iowa, along

with 26 of our colleague, in his effort to increase funding for education, health care, and LIHEAP. These are domestic priorities: investments in our Nation that will pay off in the long run. Arguments have been put forth this morning that the pending Wirth homefront initiative amendment, which would also increase our commitment to education and LIHEAP, is a similar investment and is equally deserving of our support.

I disagree.

The Harkin amendment would have transferred unobligated defense accounts to fund $3.1 billion in critically important, domestic discretionary programs. The money was real, the offset honest: We voted on whether we wanted to spend $3.1 on education, health care, and LIHEAP, or whether we wanted to spend that money on defense. I voted for education, health care, and LIHEAP. And responsible budgeting.

The amendment before us today is less than honest in a fiscal way. As my distinguished colleagues from New Mexico so accurately stated, this is the newest version of blue smoke and mirrors. And for that reason I simply cannot support it. While it purports to increase our commitment to very worthy domestic programs—many of which are critical in my State—it does so by racking up a debt against next year's appropriations in the domestic discretionary accounts. A vote for this amendment says, "Don't pay for our decisions this year, just wait until the first day of the next fiscal year." It's a cash-flow game, that while meeting the budget rules, undermines our ability to adequately fund other noteworthy programs in 1992.

The consequence is real enough. Next year, when we go about the business of setting priorities, we'll have at least $4 billion less to spend on domestic programs. Those needs—whether they be cancer and Alzheimer's research, drug treatment, job safety, immunizations for children, or rural health care—they'll just not get their share. We are staging a war between good programs this year and good programs next year. We are pitting drug prevention against child abuse, education against health care. And I am against that. I am for having a real dialog about investing in priorities, as we did during consideration of the Harkin amendment last evening.

I am afraid that this amendment does nothing but pretend to reinvest in our domestic needs. In reality, our budget deficit and the spiraling interest on our debt hurts the middle class and the least fortunate among us. To continue to add to that debt through blue smoke and mirrors, and to set the stage for grossly underfunding our investments in the needs of children, senior citizens, and families at risk is a big step in the wrong direction.

I want to thank the Senator from New Mexico for his remarks on this amendment and want to join him in his expression of concern.

Mr. LIEBERMAN. Mr. President, I am pleased to support the Harkin-Wirth homefront initiative. I was a cosponsor of the homefront budget initiative and am pleased that the Senate will now have the opportunity to increase the funding for these critical education programs. Only by adequately funding programs such as chapter 1, vocational education, impact aid, and financial aid, can we ensure that the youth of today will be prepared to meet the challenges of the 21st century.

I am particularly pleased that this initiative has been expanded to include increased funding for the LIHEAP Program. I wish to thank Senator RUDMAN for his commitment to ensuring that the Senate act to increase the funding for this vital program. The LIHEAP Program is literally a lifeline for thousands of Connecticut families. It provides the funds that enable them to meet the high costs of heating their homes and ensures that families are not left to freeze nor forced to forgo food or other necessities in order to pay their heating bills.

This amendment now provides an additional $200 million for LIHEAP for fiscal year 1992, which would bring the total of up-front moneys for the program for fiscal year 1992 to over $1 billion. This amendment is important to enable us to fund LIHEAP adequately.

This year the President proposed a cut in the LIHEAP Program of over $600 million, and the House recommended a funding level below last year's level. It is now up to the Senate to ensure that this valuable program, which provides much-needed heating assistance to the poor, the disabled, and the elderly, is adequately funded. If funding for LIHEAP is not increased, over 24,000 families in Connecticut will be dropped from the program.

LIHEAP lost one of its most devoted champions this year with the death of Representative Silvio Conte. The millions of people dependent on this program knew they could count on him to guarantee that funding would not be cut. We, in the Senate, must now carry on the tradition of that great legislator and restore funding for LIHEAP. This amendment will achieve that goal.

There are few programs that we can point to that are as successful as LIHEAP. This program has always enjoyed bipartisan support, because it works. It ensures not only that people will not freeze, but that they are able to stay in their homes and put food on the table. According to the National Association of State Community Service Programs, a LIHEAP benefit, which can be used only for heating and cooling costs, can boost a recipient's discretionary income by as much as 60 percent. That is a significant amount for any family, but particularly for those families living at or below the poverty level.

My own home State is going through a severe recession. This makes LIHEAP funds that much more necessary this year. A growing number of unemployed people will need LIHEAP support to stay warm this winter. A growing number of the working poor are finding that their paycheck no longer goes far enough to cover all their heating bills. The continued declines in the amount of oil overcharge settlement funds, along with the state of the Connecticut economy makes it very difficult for State funds to pick up where Federal programs fall short.

If as a great nation, we cannot even provide our poor and elderly with sufficient funding to keep them from freezing in the winter, then we have truly lost sight of what the role of the humanitarian goals of government are. I urge my colleagues to support the Harkin-Wirth amendment. It is the humane thing to do, it is the right thing to do.

Mr. ADAMS. Mr. President, I am proud to be an original cosponsor of the Wirth-Harkin-Rudman amendment. This amendment shows that Congress is serious about improving the education of our Nation's students, immunizing our children, and providing heating and cooling assistance for the poorest households.

The amendment adds $300 million to several education programs and puts us on the right track to higher literacy rates, to higher levels of academic achievement among disadvantaged children and youth, expanded vocational education, increased opportunities for higher education, and assistance to federally impacted schools. It is time to invest in our children and youth, because that is an investment that has a return for all Americans—a more skilled labor force and as a result, a more competitive America in the world's markets. I hope that next year, we can give education funding its due without having to resort to special amendments. Yesterday's vote regarding the now irrelevant budget agreement reached last year was, I believe, the opening round of a battle to refocus our spending priorities.

This amendment also puts more money into immunizing children against dangerous, sometimes fatal diseases. A nonwhite American child is less likely to be immunized against polio than a child born in Tunisia or Botswana. Last year, only 70 percent of American children were immunized against measles, mumps, and rubella. This is a national shame which we must address immediately and decisively as a matter of national health policy.

No American family should have to choose between paying for rent, food,

and heat. Three-fifths of households eligible for low-income home energy assistance have an income of $6,000 or less a year. This amendment will make it possible to provide heating and cooling assistance to more needy families.

Mr. President, education, health, and habitable conditions should be among our Nation's highest priorities, and require action, not more rhetoric. It is obvious that the changing world in which we live demands a greater commitment to this Nation's domestic needs. That includes a higher budget allocation for the Labor, Health and Human Services, and Education Appropriations Bill next year. This amendment reflects our commitment to fight that battle when the time comes. I urge my colleagues to support this amendment today.

UNANIMOUS-CONSENT AGREEMENT

Mr. HARKIN. Mr. President, I ask unanimous consent that the Harkin-Wirth amendment No. 1084 be temporarily laid aside and that the vote on this amendment occur immediately following the next rollcall vote or upon a call for the regular order being made by Senator WIRTH, or his designee, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that the pending committee amendment be temporarily laid aside in order that I might offer a package of amendments that have been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1085 THROUGH 1100

Mr. HARKIN. Mr. President, I send to the desk a package of 16 amendments on behalf of various Members of the Senate. I have reviewed these amendments. We have no objections to them. The ranking member, Senator SPECTER, has also reviewed them and has no objections.

The PRESIDING OFFICER. The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes amendments numbered 1085 through 1100, en bloc.

Mr. HARKIN. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, en bloc, are as follows:

AMENDMENT NO. 1085

Mr. HARKIN for Mr. COCHRAN:

On page 43 line 8 before the period insert the following: "*Provided further*, That of the amounts provided under this heading $3,400,000, to remain available until expended, shall be for the White House Conference on Aging."

THE WHITE HOUSE CONFERENCE ON AGING

Mr. COCHRAN. Mr. President, I want to take this opportunity to thank the managers of the bill for working with me to resolve the matter of funding for the 1993 White House Conference on Aging.

As my colleagues are aware, the White House Conference on Aging is called by the President under the authority of the Older Americans Act which is to be reauthorized this year.

The 1993 Conference will bring together a broad and diverse group of individuals involved at all levels and in all areas of the aging network who work to ensure that the needs of older Americans are met. The recommendations of the Conference will be helpful to the President and will contribute to the development of an effective and comprehensive national aging policy.

At our full committee markup on this bill, the committee agreed to report language which Senator ADAMS and I proposed to direct that $1 million be made available in fiscal year 1992 for the White House Conference on the Aging.

Subsequent to the committee reporting the bill, additional budget estimates and information regarding the plans for the 1993 Conference were received. Based on that information, I proposed an amendment to provide that total funding of $3,400,000 be provided in this bill for the Conference. This amount combined with last year's appropriation of $976,000, will bring the total funding for the 1993 White House Conference on Aging to $4,376,000.

AMENDMENT NO. 1086

Mr. HARKIN for Mr. CRANSTON:

On page 18, line 20, insert after the colon the following: "*Provided further*, That of the amounts made available under this paragraph to the Health Resources and Services Administration, the Secretary of Health and Human Services shall, after consultation with the Committee on Appropriations of the House of Representatives and the Committee on Appreciations of the Senate, transfer $10,000,000 to carry out title XII of the Public Health Service Act:"

THE TRAUMA CARE SYSTEM PLANNING AND DEVELOPMENT ACT OF 1990

Mr. CRANSTON. Mr. President, this amendment would direct the Secretary of Health and Human Services, after consultation with the Appropriations Committees to transfer $10 million from funds otherwise available to the Health Resources and Services Administration [HRSA] in order to implement the Trauma Care System Planning and Development Act of 1990. I understand that the amendment, which does not increase funds appropriated under the bill, is acceptable to both managers.

The Trauma Care System Planning and Development Act of 1990, Public Law 101-590, was enacted last year with strong bipartisan support. That support was further expressed in a letter dated May 17, 1991, urging the appropriation of a modest amount of funding under this bill to begin implementation of this important new law.

I ask unanimous consent that a copy of this letter signed by 25 Members of the Senate be printed in the RECORD. This new act addresses the trauma care crisis facing our country today by establishing a grant program to help States form well-coordinated regionalized trauma systems, providing authority for the support of demonstration programs in rural areas, and alleviating the devastating financial blow facing hospitals treating uninsured or underinsured trauma patients.

Each year, some 140,000 Americans die or become disabled from injuries. Many of these deaths or injuries could be preventable if the trauma victims receive specialized care immediately. Unfortunately, most States and communities, especially in rural areas do not have trauma systems in place. In urban areas which have trauma care systems, many are collapsing under the high costs of uncompensated care. This amendment will fund an act which addresses these issues and will certainly reduce the incidence of trauma-related disability and save countless lives.

I thank the floor managers for their support.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, May 17, 1991.

Hon. TOM HARKIN,
Chairman, Labor, Health and Human Services, Education Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN HARKIN: We are writing to urge you to support funding for the Trauma Care Systems Planning and Development Act of 1990 (Act) which became law in the 101st Congress.

During the last session, S. 15, the Emergency Medical Services and Trauma Care Improvement Act had 35 cosponsors and passed the Senate unanimously. This bill was incorporated into the House version H.R. 1602, the Trauma Care Systems Planning and Development Act and signed into law by President Bush on November 16, 1990 as Public Law 101-590. The Act has overwhelming support from over 50 major health organizations.

The purpose of the Act is to assist state governments in the development, implementation and improvement of regional systems of trauma care. The Act accomplishes this by establishing a formula grant to assist states in the development and implementation of all the component parts of a coordinated, comprehensive trauma care system. The Act provides for a National Clearinghouse to collect and compile basic data regarding the demand for, operation, effectiveness and costs of state trauma care and emergency medical service systems. The Act also address the lack of trauma care in rural areas by providing authority for demonstration programs which would develop innovative means of training emergency medical service providers and delivering emergency medical care and trauma care services. Furthermore, the Act allows states under specific circumstances to use funds for the purpose of reimbursing designated trauma care centers for uncompensated costs. The Act authorized $60 million for FY 91 and such sums as necessary for FY 1992 and 1993.

The funding for this Act is crucial. Each year more than 140,000 Americans die or be-

come disabled from injuries. Many of these tragedies are preventable if trauma victims receive specialized care immediately. The aggregate costs of physical trauma in the United States is $180 billion in medical expenses, insurance, lost wages and property damage. Unfortunately, most states and communities, especially rural areas, do not have trauma systems in place. In the areas with trauma systems, many are collapsing under the high costs of uncompensated care. This is particularly true in inner cities where a large number of trauma cases involve uninsured victims suffering from knife and gunshot wounds.

Reducing the number of deaths and preventing disabilities can be achieved. We need only the foresight and determination to organize and allocate medical resources to ensure that trauma victims are rapidly identified and transported to facilities specifically designed to provide an optimal level of care.

We know that funding for the Labor, Health and Human Services, Education appropriations bill will be limited, but we hope you will be able to provide adequate funding for this Act. We look forward to working with you as the priorities of the FY92 appropriations are considered.

Cordially,

Ernest F. Hollings, Daniel K. Inouye, Dennis DeConcini, Lloyd Bentsen, John H. Chafee, James M. Jeffords, Dave Durenberger, Alan Cranston, J. Bennett Johnston, Frank R. Lautenberg, Donald W. Riegle, Jr., Albert Gore, Jr., Kent Conrad, Carl Levin.

Richard C. Shelby, Paul Simon, Paul S. Sarbanes, Daniel Patrick Moynihan, Jeff Bingaman, Claiborne Pell, Joseph R. Biden, Jr., Larry Pressler, John F. Kerry, William S. Cohen, Howard M. Metzenbaum.

AMENDMENT NO. 1087

Mr. HARKIN for Mr. DECONCINI:

On page 40, line 9, strike "$451,431,000" and insert in lieu thereof, "$453,431,000".

On page 40, line 12, strike "$10,832,000" and insert in lieu thereof, "$12,832,000".

On page 50, line 12, strike "$8,000,000" and insert in lieu thereof, "$9,492,000".

Mr. DECONCINI. Mr. President, I thank the distinguished chairman and ranking member of the Labor, HHS Appropriations Subcommittee, Senator HARKIN and Senator SPECTER, for accepting my amendment to the fiscal year 1992 appropriations bill for the Departments of Labor, Health, and Human Services, and Education. This amendment is cosponsored by Senators D'AMATO, SANFORD, GRAHAM, BRADLEY, GRASSLEY, and KASTEN, and adds $2 million to the funding level recommended by the Senate Appropriations Committee for the National Youth Sports Program. Before I discuss the details of my amendment, I would like to commend the chairman and ranking member for the outstanding work they have done on this very difficult bill.

The National Youth Sports Program targets at-risk boys and girls, ages 10–16, and offers them the opportunity to participate in sports enrichment programs on college campuses around the country. The program also offers these kids free meals and free medical exams. It provides sessions on drug and alcohol abuse prevention. It provides information on health and nutrition and job opportunities. Most of all, Mr. President, the National Youth Sports Program offers many of these young people a decent shot at a better future.

In order to pay for our amendment we have reduced the travel expenses of the Department of Health and Human Services. Last December the Department of Health and Human Services planned to send 900 scientists and officials to an AIDS conference in Florence, Italy. The meeting was subsequently attacked in the press as a "junket" and "a paid vacation for Federal employees." In the face of all the criticism, HHS significantly reduced the size of its delegation to Italy.

In response to this episode, both the House and Senate Appropriations Committees have reduced the travel expenses of the Department of Health and Human Services by $8 million. Our amendment reduces HHS travel by an additional $1.492 million in order to achieve the outlay savings we need.

Mr. President, day after day, we hear that America is not doing enough for its children. And no wonder. One child out of every five in this country grows up in poverty. Every year half a million students drop out of high school. And now the National Commission on Children has issued a landmark report that states that 1 out of every 4 teenagers today is engaging in behavior that may seriously jeopardize his or her future.

The figures will stop you in your tracks—and behind the numbers are young men and women who live in California and Colorado, in New York and Nebraska, in Minnesota and Maine and Montana, who live in your hometown and mine. Half of all young people try illicit drugs before high school graduation. One million teenage girls in this country become pregnant each year. According to the FBI, young people under the age of 18 accounted for more than one-tenth of all arrests for murder and manslaughter in 1989. They accounted for more than one-fifth of all arrests for robbery and almost one-third of all burglary arrests.

Last year there was a survey conducted in my home State of Arizona which found that over 5,000 gang members had been identified by Arizona law enforcement agencies. Those figures are alarming. But even more disturbing is the fact that according to that survey, 11,000 high school students expressed an interest in joining a gang. This means that there are 11,000 potential gang members in Arizona high schools alone. That figure becomes more alarming when you consider that the survey does not account for high-risk youth who have already dropped out of school.

Mr. President, as a Nation we can continue to wring our hands and complain that we are not doing enough for our children. We can continue to talk about the problem—or we can move toward a solution. And one of the things we can do is to try to reach those 11,000 children who have not yet crossed the line. One of the things we can do is try to reach the young boy who has not yet smoked crack or the young girl who believes the only way to have self-esteem is to have a baby.

The National Youth Sports Program reaches out to these kids at risk—and it is a program that works. For many of these young people it is a constructive alternative to drugs and crime during the summer months—the time when crime rates are highest. For many, it may be the only way they know to a better life.

Last year the National Youth Sports Program reached 65,000 youngsters on 139 college campuses in 122 cities across the country. Unfortunately, many of these programs are overenrolled and too many children are turned away. A $2 million increase in funding would allow more children and more institutions to participate in a program that is a proven commodity. It would also allow for the expansion of the Extended National Youth Sports Program, so that more young participants could benefit from the program and its anti-drug message year-round.

The National Youth Sports Program is a cost-effective use of Federal funds. No appropriated moneys are allocated for overhead—none. Instead, they go directly into operating the program to serve disadvantaged youngsters. In addition, two-thirds of the costs of the program come from contributions by non-Federal sources, including donations by the participating institutions, the National Collegiate Athletic Association, and private businesses of top-quality facilities, equipment, and services. This year the NCAA is increasing its contribution by 16 percent. If Federal funding is increased for fiscal year 1992, I understand the NCAA will also increase its contribution proportionately.

Once again, I thank the chairman and ranking member for accepting this amendment. The National Youth Sports Program is a low-cost, high-yield investment that works. It gives at-risk youngsters the motivation, the skills—and most of all, the hope to improve their future.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleague as a cosponsor of this amendment, which adds $2 million to the National Youth Sports Program for the 1992 fiscal year. The National Youth Sports Program is a great success, offering economically disadvantaged young adults opportunities otherwise denied them.

This program reaches over 65,000 youngsters in 122 cities across the country. Of particular note to me is the program operated on the campus of St. Ambrose University, in Dubuque,

IA. The St. Ambrose program enrolls over 200 youths each summer.

NYSP provides young people exposure to a college environment and provides them nutritious meals; medical examinations; sports skills instruction; and guidance with substance abuse prevention, health and nutrition, as well as educational and career opportunities.

Mr. President, this program is not just a recreation program. The comprehensive approach uses athletics as the focus for development of self-esteem and camaraderie, as well as nutrition education and health awareness. For many young kids, sports is just the catalyst for enthusiasm about these other important personal and interpersonal attributes.

I urge adoption of this amendment.

AMENDMENT NO. 1088

Mr. HARKIN for Mr. DOMENICI:

On page 29, line 19, strike "$3,118,832,000" and insert "$3,175,832,000: *Provided*, That notwithstanding any other provision of this Act, funds appropriated for salaries and expenses of the Department of Labor are hereby reduced by $4,939,000; salaries and expenses of the Department of Education are hereby reduced by $1,646,000; and salaries and expenses of the Department of Health and Human Services are hereby reduced by $20,415,000.".

AMENDMENT NO. 1089

Mr. HARKIN for Mr. GORTON:

On page 30, line 1 after "XVII," insert the following: "XX,".

Mr. GORTON. Mr. President, I rise to speak today about a very important program which has been making a significant impact on teen pregnancy among adolescents and families it serves—the Adolescent Family Life Act, title XX of the Public Health Service Act. Unfortunately, AFLA has been misrepresented and unjustifiably attacked on some of its principles with little attention paid to its successes. The result is it has been underfunded since its inception. Now its funding has been deleted altogether in the Labor-HHS-Education appropriations bill.

Teen pregnancy and parenting continue to be devastating problems for both those directly affected as well as society at large. This burden was recognized by the National Commission on Children when it recommended in its recent report, "Beyond Rhetoric: A New American Agenda for Children and Families," that funding for title XX be increased to $40 million. I was shocked that the first opportunity the Senate had to address this program, rather than increasing its funding level, it chose not to even mention the program, thereby killing any chances for its survival. Mr. President, we may not be able to afford the $40 million recommended by the Rockefeller Commission, but we certainly cannot afford to do without this program.

In 10 years, we have seen the approach taken by the AFLA work. Through such programs as Teen Aid, Inc., in the city of Spokane in the State of Washington, we have seen positive changes in attitudes about delaying sexual activity as well as behavior changes resulting in both reduced sexual activity and therefore, lower pregnancy rates. Teen-Aid and other title XX demonstration programs provide critical research into teenage sexuality and methods by which we as a nation can address the problems which result.

Other programs in the State including the Young Family Independence Program and the Tacoma/Pierce County Adolescent Pregnancy Program have made enormous differences in teenagers' lives. I will submit for the RECORD a letter from Carol Clark of Kent, WA, who wrote me about AFL. Hers is one of many success stories made possible by title XX that I have heard of in the last several days. Title XX may not please everyone, but it works for those who need it. That is what concerns this Senator and I believe that should be the concern of my colleagues.

Nationwide, in programs that provide services to adolescents who are already pregnant we see comparable success. Sixty-seven percent of grantees report a lower incidence of low-birth-weight births among their project clients when compared with nonproject clients in their area. Care projects have reduced the likelihood of teens dropping out of school and improved opportunities for higher education and better paying jobs—and thus, less welfare dependency. Projects which provide counseling and information on adoption have increased the numbers of teens choosing adoption which provides them with numerous health, educational, and social advantages for the adolescent parents and the baby.

The Adolescent Family Life Act is one of the few pieces of legislation that builds on the positive, healthy aspects of family and has the Government working in tandem with the family to meet the needs of its members. AFLA has demonstrated the same positive effects on teens that we have seen with preschool children in Head Start programs and the strength of both programs is dependent on the involvement of parents with their children.

The Senator believes there are too many good things about title XX to let it die. Therefore, I offer today an amendment to insert the citation for the program back into the bill where it belongs. That will enable the program to at least be discussed in conference where I hope the program will get the attention and funding it deserves. Considering the recommendations of the Rockefeller Commission, the support of the administration, and the widespread, real-life success of the Adolescent Family Life Act, I hope the chairman of the subcommittee will join me in trying to find funds for this worthy program.

I ask unanimous concent that the letter from Carol Clark be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KENT, WA.,
July 23, 1991.

Senator SLADE GORDON,
Hart Senate Office Building,
Washington, DC.

DEAR MR. GORDON: Hi, my name is Carol Clark and I am writing in regards to the Adolescence Family Program, Title XX.

I joined the program in September of 1991. I was told of this program through a friend that is also in the program. I am nineteen and a mother of a three year old, and a four year old. I am currently on DSHS. I have been on welfare for about six years. As my children are now getting older I would like to get off of welfare and start a career.

In September of 1991, I took a step at going to school to become a Legal Administrative Assistant. Before I started this course I had no daycare funds, gas money, tuition, or any money for school supplies, until I was told of YFIP. Welfare would not pay for my daycare unless I was going to finish my high school credits. Therefore, I was left with no assistance. If I had no assistance I was not entitled to attend the schooling that I so badly wanted to do.

YFIP has helped me to achieve my goals in life and to become a better person. YFIP has help me with gas, grocery, tuition, school supplies, and support help. If it was not for YFIP I would be another step behind but now I'm another step ahead.

As you can see, people like me need this type of funding to put us just one step ahead. All we need is that little extra help that will make us better people in the future.

Sincerely,

CAROL D. CLARK.

AMENDMENT NO. 1090

Mr. HARKIN for Mr. JEFFORDS:

On page 70, after line 19, add the following:

"SEC. .

Subsection (e) of section 1321 of the Higher Education Act of 1965 (20 U.S.C. 1221-1(e)) is amended by inserting at the end thereof the following new paragraph:

"(7) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of money, gifts or donations of services or property."

AMENDMENT NO. 1091

Mr. HARKIN for Mr. KENNEDY:

On page 66, line 20, strike "$16,417,000 shall be for star schools" and insert "$18,404,000 shall be for star schools (of which $1,000,000 shall become available for obligation on September 30, 1992) and".

On page 65, line 22, strike "$254,893,000" and insert in lieu thereof "$255,893,000".

On page 67, lines 1 and 2, strike "$987,000 shall be for mid-career teacher training;".

On page 70, after line 19, insert the following:

"SEC. . From any unobligated funds available in the Departmental Management account of the Department of Education, the Secretary shall transfer on September 30, 1992 all funds available to carry out the National Summit Conference Education Act of 1984 to the Star Schools Program Assistance Act account."

AMENDMENT NO. 1092

Mr. HARKIN for Mr. REID:

On page 43, line 2, delete "$3,553,828,000:" and insert in lieu thereof "$3,563,063,000: *Provided further*, That of the amounts appropriated, $21,470,000 shall be available for carrying out the Family Violence Prevention and Services Act of 1988".

On page 44, line 8, delete "$63,842,000" and insert in lieu thereof "$60,794,000".

AMENDMENT NO. 1093

Mr. HARKIN for Mr. SIMON:

On page 15, line 25, strike "$141,280,000" and insert "$139,680,000".

On page 58, line 7, strike "$1,323,333,000" and insert "$1,333,333,000".

On page 59, line 7, strike "and".

On page 59, line 9, strike the period and insert ", and $10,000,000 shall be for State Literacy Resource Centers under the National Literacy Act of 1991.".

Mr. SIMON. Mr. President, more than 2 years ago, after a series of hearings on the problem of illiteracy in America, I introduced a bill to launch the first, real coordinated Federal effort to address the problem. On July 25, the National Literacy Act finally became law. I thank my colleague from Iowa for working with me on this legislation in the authorizing committee, and I am pleased that, with his cooperation and the help of Senator BYRD, most of the new efforts and increased authorizations in the literacy bill will be considered in the conference on the appropriations bill.

Mr. HARKIN. I commend my colleague from Illinois for his leadership on this issue, and I thank him for working with me to ensure that we provide the resources necessary to reach the bill's goal of eliminating illiteracy by the year 2000.

Start-up funds for the National Institute for Literacy, the linchpin of the new Federal effort, are provided for in the national programs fund of the Adult Education Act. In addition, the managers have accepted the Simon amendment to fund the new State literacy resource centers, a critical link between literacy providers at the local level and the National Institute.

The literacy bill also authorized funding for the development of family literacy television programming. As my colleague has pointed out in the past, people tend to hide the fact that they can't read or write, just as people used to be embarrassed about their disabilities. Television programming aimed at adults and families can be one of our most effective tools in addressing this problem.

I should also point out that, as the Senator knows, this bill contains an increase for the Corporation for Public Broadcasting. CPB has been instrumental in developing quality literacy programming, and we hope that it will continue its fine record in this area.

Illiteracy costs our Nation billions of dollars in lost productivity. In the committee report for the bill we are considering today, we urged the Secretary of Labor to use her discretionary funds to move forward on the National Workforce Literacy Collaborative in the National Literacy Act. This program would assist small- and medium-sized businesses and labor organizations in implementing literacy programs for individuals with low basic skills. Now that the literacy bill has become law, the committee strengthens that recommendation, and directs the Secretary to begin this important effort.

Finally, Mr. President, my colleague from Illinois has authored some significant improvements and expansions to three current Federal programs: Adult Education, Workplace Literacy Partnerships, and Even Start—now called Even Start Family Literacy to reflect its new focus. These changes will ensure that we are getting the most from our Federal dollars.

Mr. SIMON. I thank my colleague for his comments and for his commitment.

AMENDMENT NO. 1094

Mr. HARKIN for Mr. BINGAMAN:

On page 59, after line 9, insert the following: "In addition to the amounts provided, $10,000,000 shall be available to carry out section 601 of the National Literacy Act of 1991, as amended by Public Law 102-103, and".

On page 44, line 12, before the "period" insert the following: "*Provided*, That funds appropriated for the Office of the Inspector General are further reduced by an additional $2,603,000".

Mr. BINGAMAN. Mr. President, I wish to draw the Senate's attention to one provision of the manager's amendment package; and I wish to thank my very good friend and colleague, Senator HARKIN, and his staff for their help in clearing this amendment. The Senator from Iowa has a very, very difficult job, with many worthy and critical demands on the limited resources he must allocate, and I greatly appreciate his willingness to work with me on this amendment.

This amendment is a simple one, with an important purpose. It would transfer $10 million from the Department of Health and Human Services' Office of the Inspector General to the Department of Education for its newly expanded prison literacy and life skills training grant program.

This minor expansion of the Federal Goverment's commitment to prison education was recently authorized through an amendment to the National Literacy Act. I helped craft the amendment with my good friends and colleagues, Senators KENNEDY and PELL, and our colleagues in the House, Representatives GINGRICH, KILDEE, and GOODLING.

Mr. President, the issue of prison literacy programs is a familiar one to my colleagues. In July, we debated and approved a modified version of an amendment I offered to S. 1240, the Violent Crime Control Act of 1991, that is nearly identical to the program authorized under the National Literacy Act. That amendment authorized the Attorney General to make grants to State and local correctional agencies and correctional education entities to help them establish and operate literacy and life skills training programs in their prisons, jails, and detention centers.

The amendment we approved to the National Literacy Act creates the same authorization within the Department of Education. But approving and passing authorizing legislation does not accomplish anything if that legislation is not funded. That is why I am advocating adoption of this amendment today.

If we really meant what we said earlier this summer about getting tough on crime and making our streets safer, then today is the day to put our money where our mouth is. I urge my colleagues to support this amendment.

As I mentioned earlier, this amendment shifts $10 million to the Department of Education from the Department of Health and Human Services' Office of the Inspector General. I believe this shift makes sense: It is much wiser, in my mind, to make more funding available to help the States deal effectively with the problems of crime and illiteracy, than to increase the Federal bureaucracy. This amendment sends the clear message to the American people that the Senate is serious about reducing bureaucracy, that we are serious about our commitment to fighting crime, and that we are serious about achieving the President's national education goals, which he and the Nation's Governors established 2 years ago.

The fifth goal of the national education goals states:

[E]very adult American should be literate and possess the knowledge and skill necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

This goal includes individuals incarcerated in our Federal and State prisons. And this amendment is a small—but significant—step toward achieving that goal.

I am convinced that education will reduce recidivism and that the programs this amendment will help fund will ultimately benefit our national economy and reduce the level of fear of crime that exists in America today.

Currently, more than 620,000 individuals are incarcerated in the United States. Most cannot read or write. In fact, today's inmate population represents the Nation's single largest concentration of illiterate adults: A full 60 percent—372,000 individuals—are functionally illiterate.

Once released from prison, many of these people stand a good chance of returning. This is because they are leaving prison the same way they came in: illiterate. Without the basic skills of reading and writing, chances are low for finding legitimate employment in our increasingly complex, information-based society.

Being illiterate is, of course, not the only reason one turns to a life of crime. But the fact that more than 60 percent of our prison inmates are functionally illiterate should focus our attention on this connection.

Jerome G. Miller, president of the National Center on Institutions and Alternatives, recently stated:

Education deters criminal activity. * * * Studies show that those with a high school diploma who spend time in prison are less likely to be rearrested than those who hadn't graduated from high school. The likelihood of being arrested for delinquent behavior as a teenager is nearly twice as great for children who do not have the Head Start advantage as for those who participate in this extensive early education program.

I agree with Mr. Miller: Education deters criminal activity. Fortunately, the directors of the Federal Prison System, along with several of their State counterparts, already have recognized the importance of education and have established a wide variety of literacy and life skill programs in their prison systems. States such as Virginia, Tennessee, and Pennsylvania have enacted legislation that links literacy with parole.

Nearly 10 years ago, the Federal Bureau of Prisons adopted its first mandatory adult basic education policy. Originally, the policy required that all inmates who functioned at the sixth-grade reading level or lower must enroll in an adult basic literacy program for 90 days. Using incentives, rewards, encouragement, and work promotion opportunities, the Bureau has combined work and education to create a program that has far exceeded the expectations of inmates, staff, and observers.

Currently, all new admissions to the Federal Prison System are tested to determine their incoming literacy level. If a new inmate does not meet a minimum level of literacy competency, he or she is enrolled in a program aimed at providing quality instruction by a qualified reading specialist. Together, they work toward a tangible, measurable goal of increased reading and writing ability. The almost universal acceptance of this program and widespread appreciation for its results recently led the Bureau to strengthen its requirements.

After completing the sixth-grade achievement level pilot program in 1985, the Bureau raised the mandatory literacy standard to an eighth-grade equivalency. Today, the standard is 12th-grade equivalency and more than 120 days of instruction, with a focus on training for higher skill, higher paying jobs in outside job markets. Nearly 35 percent of the Bureau's inmates are now enrolled in school, with half of those continuing their studies after the mandatory 120-day period. The fact that no legal action or grievances have been filed as a result of the program is a fact worthy of note.

Through this amendment, we can help our State and local prison systems, jails, and detention centers work toward this same goal. Mr. President, I am proud to say that my home State of New Mexico already has come very close to the Federal concept in creating a comprehensive program that addresses the needs of both the inmate population and the citizens of our State.

The need for this program in New Mexico is great. When using an eighth-grade equivalency standard, 70 percent of the New Mexico inmate population was deemed in need of a literacy education program. Recently, a study conducted at the New Mexico State Prison revealed a 15-percent recidivism rate for those inmates who had completed at least one college class at the prison's university extension program, versus a recidivism rate of 68 percent for the prison's general population.

Other studies conducted around the country reveal similar statistics. For example, an Ohio study, conducted in 1985, of individuals on probation from prison found that education program participants had a 16 percent recidivism rate compared with 44 percent for the control comparison group who received no literacy training.

Mr. President, before yielding the floor, I want to briefly mention the other type of prison education program that this amendment will help fund. The $10 million this amendment appropriates would also be available to help States and local correctional agencies and correctional education entities establish and operate programs aimed at developing and improving the life skills incarcerated individuals will need to successfully re-integrate into society. Important life skills include self-development, communication skills, job and financial skills development, education, interpersonal and family relationship skills, and stress and anger management.

Grants funded under this amendment would be awarded to agencies and entities that show the most promise for establishing low-cost, innovative, and effective programs capable of being replicated in other systems, prisons, jails, and detention centers.

I believe an excellent example of the type of program this amendment envisions is the Comienzos Program at the Bernalillo County Detention Center in Albuquerque, NM. I had the pleasure of touring this facility and sitting in on a session of Comienzos this summer. This program is a novel and innovative approach to jail education, conceived and developed by Sisters Mary Jo Boland and Natalie Rossi in Albuquerque.

Comienzos, which many believe is even more successful than the Center's nationally and internationally renowned literacy program, focuses on issues important to inmates who will one day return to society. These issues—or life skills—include self-development, communication, job and financial skills development, enhancement of educational skills, interpersonal and family relationship development, behavior modification, and stress and anger management.

Over an 8-week period, Comienzos helps inmates develop these skills through lectures by staff, special guest speakers, and residents; group interactions and discussions; interactive videos and tapes and written material; and artistic expression.

This program is not only a humane approach to incarceration; it is also a positive strategy for combatting the rising rate of recidivism in our Nation's jails. Its goal is simple and profound: To provide individuals with the basic tools needed to cope in a complex society. This is exactly the type of program we should encourage if we are serious about our commitment to reducing crime in the United States; and this amendment provides that encouragement.

Mr. President, the data is clear, the conclusion is simple: Education works. To refuse to support funding for literacy and life skills training for incarcerated individuals is, in my view, very shortsighted.

I believe that if we really want to fight crime, we must give people a fighting chance. This amendment will help give incarcerated individuals around the country that chance. With this amendment, we have the unique opportunity to actually do something significant to fight crime and, at the same time, to help improve our Nation's embarrassingly high illiteracy and recidivism rates. I urge my colleagues to support this amendment.

AMENDMENT NO. 1095

Mr. HARKIN for Mr. DODD and Mr. LIEBERMAN:

On page 50, after line 15, insert the following:

SEC. . During the twelve-month period beginning October 1, 1991, none of the funds made available under this Act may be used to impose any reductions in payment, or to seek repayment from or to withhold any payment to any State under part B or part E of title IV of the Social Security Act, by reason of a determination made in connection with any review of State compliance with the foster care protections of Section 427 of such Act for any Federal fiscal year preceding fiscal year 1992.

AMENDMENT NO. 1096

Mr. HARKIN for Mr. KENNEDY:

On page 50, between lines 15 and 16, insert the following new section:

SEC. . Section 499A(c)(1)(C) of the Public Health Service Act (42 U.S.C. 289i(c)(1)(CV)) is amended—

(1) by striking out "9" in the matter preceding clause (i) and inserting in lieu thereof "11"; and

(2) by striking out "3" in clause (iii) and inserting in lieu thereof "5".

AMENDMENT NO. 1097

Mr. HARKIN for Mr. HATFIELD:

On page 24, line 18, strike "959,952,000" and insert in lieu thereof "965,952,000".

On page 29, line 10, strike "102,885,000" and insert in lieu thereof "92,085,000".

AMENDMENT NO. 1098

Mr. HARKIN:

On page 63, on line 10 before the period insert the following: ": *Provided further*, That funds appropriated for Special Programs for Students from Disadvantaged Backgrounds may be allocated notwithstanding section 417D(d)(6)(B) (20 U.S.C. 1070d) to the Ronald E. McNair Post-Baccalaureate Achievement Program.".

AMENDMENT NO. 1099

Mr. HARKIN for Mr. ROCKEFELLER:

On page 73, line 5, strike "$750,000" and insert in lieu thereof "$950,000".

AMENDMENT NO. 1100

Mr. HARKIN for Mr. D'AMATO:

On page 32, line 22, strike "$1,985,901,000" and insert in lieu thereof "$1,982,901,000".

On Page 21, line 1, strike "$1,525,982,000" and insert in lieu thereof "$1,530,982,000".

Mr. D'AMATO. Mr. President, I rise in support of this amendment, which includes a provision I authored to provide an additional $5 million for the Centers for Disease Control's Tuberculosis Elimination Grant Program. This amendment is critical in light of statistics released just last month by the CDC which signal a dramatic increase in the number of tuberculosis cases reported nationwide.

After decades of decline, tuberculosis is once again on the rise. In 1990, the rate of tuberculosis increased 9.4 percent compared to 1989. This is the largest increase since national reporting of TB began in 1953.

Contributing to this unprecedented increase were 3,520 new cases of TB reported in New York City—an increase of 38 percent over 1989. This is the highest rate of TB in New York City in over two decades.

The recent outbreak has struck especially hard among the homeless, substance abusers, the HIV-infected, and the elderly. In short, those whose immune systems are the weakest. Tragically, in New York City, it has struck hardest among our children. Between 1989 and 1990, the number of reported cases among children under 15 years old in New York rose from 49 to 146, an increase of almost 200 percent. The majority of these cases occurred in children under the age of 5.

Perhaps the most shocking aspect of the current epidemic was described in a report from the CDC dated August 30, 1991. The report described several outbreaks of multidrug resistant tuberculosis in U.S. hospitals, in which the disease was transferred between patients, and between patients and health care workers. Three of these hospitals were in New York.

Mr. President, what the CDC has described in its August 30 report is the first large urban outbreak of tuberculosis acquired in a hospital setting in recent history. This outbreak is unsettling to put it mildly, and it underscores the need for a much greater Federal commitment to eradicating this horrible disease.

Mr. President, this amendment will help stem the rising tide of tuberculosis by providing an additional $5 million for the TB Elimination Grants Program of the Centers for Disease Control. It is my intention that these additional funds be targeted at those areas with the highest numbers of TB cases, including those areas which experienced the greatest increases in new cases over the past 12 months.

The TB elimination grants are the Federal Government's primary effort against the spread of TB, and are an essential part of the strategic plan for the elimination of tuberculosis in the United States, which was adopted in 1988 and endorsed by HHS Secretary Sullivan.

Unfortunately, these grants are severely underfunded. The recommendation of $12.3 million in the Senate bill, while a modest increase over last year's level, is still scarcely a third of the fully authorized level of $36 million. In the face of a rising epidemic, that is simply not enough.

Mr. President, the additional $5 million provided by this amendment will help greatly by funding research, education, and reporting activities. It will help by funding outreach workers to ensure that noncompliant patients follow their prescribed therapies, and it will help by funding TB prevention activities in high-risk populations in a variety of health care settings.

Mr. President, we should not take the recent CDC statistics lightly. Tuberculosis is an infectious disease that can be transmitted without regard to geographic or governmental boundaries. And it is spreading at an unprecedented rate.

Let us give the CDC the additional resources necessary to stem this epidemic before it gets out of control.

Mr. President, I urge the adoption of the amendment.

Mr. SEYMOUR. Mr. President, I ask unanimous consent that I be added as a cosponsor of the following amendments, which were offered en bloc as part of H.R. 2707, the Labor, Health and Human Services appropriations bill: An amendment sponsored by my good friend from Mississippi, Senator COCHRAN, that earmarks $3,400,000 for the White House Conference on Aging; an amendment sponsored by my colleague from California, Senator CRANSTON, that earmarks $10 million for trauma and emergency medical care; an amendment by the Senator from Arizona, Senator DECONCINI, that provides $2 million for the National Youth Sports Program; an amendment sponsored by my good friend from New Mexico, Senator DOMENICI that provides $57 million for the National Institute of Mental Health; an amendment by the Senator from Washington, Senator GORTON that inserts bill language to insert the legal citation for the Adolescent Family Life Act, so that the conference committee can consider making funding available for adolescent family life programs; an amendment by the distinguished Senator from Vermont, Senator JEFFORDS, that permits the National Commission on Responsibilities for Financing Post-Secondary Education to receive gifts and donations to complete their work; an amendment by the Senator from Massachusetts, Senator KENNEDY, that provides $2,481,000 for the Star Schools Program; and an amendment offered by the distinguished Senator from Illinois, Senator SIMON, that provides $10 million for State Literacy Resource Centers.

I am pleased that the distinguished managers of this important funding legislation, Senator HARKIN and Senator SPECTER, have agreed to accept these necessary amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendments, en bloc.

The amendments (Nos. 1085 through 1100) were agreed to, en bloc.

Mr. HARKIN. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, the package of amendments just adopted by the Senate, included, at my request, an additional $6 million for the National Institute of Allergy and Infectious Diseases [NIAID]. This additional amount is provided to enable the Institute to take advantage of existing developments in the search for a vaccine for the AIDS virus.

The Centers for Disease Control estimates that up to 85,000 Americans will become infected with the AIDS virus during 1992. Internationally, the devastation of AIDS continues to grow. The World Health Organization estimates that there currently are 8 to 10 million people infected with HIV. Projections are that by the end of the 20th century, 440 million people will be infected with the virus.

New scientific evidence convinces us that an AIDS vaccine can be found. Tests of vaccines for HIV in chimpanzees have successfully prevented animals from infection despite injec-

tion with live HIV. In studies from laboratories around the world, vaccines for the closely related monkey AIDS virus, SIV, have also prevented infection. These results show for the first time that vaccination is feasible under experimental conditions. For almost all other vaccines in use today, such findings have been a prerequisite for an eventual successful vaccine.

There have been eight vaccines in early trials in humans as of today. The trials have involved both persons already infected and those not yet infected with HIV. The most significant results show that some vaccines stimulate the immune system to produce antibodies against the AIDS virus in both types of persons tested.

The additional funds provided in the amendment will assist the Institute in developing the capacity to test candidate vaccines in clinical trials either in the United States or abroad. This is essential to expediting the testing and eventual development of a safe and effective AIDS vaccine.

Mr. President, the $6 million provided in the amendment is offset through a reduction in the committee recommendation for the Buildings and Facilities appropriation of the National Institutes of Health. The committee had included the requested $13,400,000 to begin the phase I design work on the clinical center modernization project. However, funding for the project was deferred by the House pending the completion of a review by the Corps of Engineers of the direction and cost of the redesign. The elimination of these funds will bring the Senate into concurrence with the House on this matter.

Mr. President, I thank the chairman and ranking member for their support of the amendment, and I yield the floor.

The PRESIDING OFFICER. For the benefit of Senators, the pending amendment at this time is the committee amendment beginning on page 3, line 24.

The Senator from Iowa.

AMENDMENT NO. 1101 TO COMMITTEE AMENDMENT, PAGE 3, LINE 24

(Purpose: To require the Secretary of Labor to promulgate final rules and regulations concerning occupational exposures to bloodborne pathogens)

Mr. HARKIN. Mr. President, on behalf of Mr. DOLE, Mr. MITCHELL, Mr. KENNEDY, Mr. HATCH, Mr. MOYNIHAN, and Mr. PACKWOOD, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. DOLE, for himself, Mr. MITCHELL, Mr. KENNEDY, Mr. HATCH, Mr. MOYNIHAN, and Mr. PACKWOOD, proposes an amendment numbered 1101.

Mr. HARKIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following:

SEC. . (a) Notwithstanding any other provision of law, on or before December 1, 1991, the Secretary of Labor, acting under the Occupational Safety and Health Act of 1970, shall promulgate a final occupational health standard concerning occupational exposure to bloodborne pathogens. The final standard shall be based on the proposed standard as published in the Federal Register on May 30, 1989 (54 FR 23042), concerning occupational exposures to the hepatitis B virus, the human immunodeficiency virus and other bloodborne pathogens.

(b) In the event that the final standard referred to in subsection (a) is not promulgated by the date required under such subsection, the proposed standard on occupational exposure to bloodborne pathogens as published in the Federal Register on May 30, 1989 (54 FR 23042) shall become effective as if such proposed standard had been promulgated as a final standard by the Secretary of Labor, and remain in effect until the date on which such Secretary promulgates the final standard referred to in subsection (a).

Mr. CRANSTON. I rise in support of the amendment by the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Kansas [Mr. DOLE].

The OSHA bloodborne disease standard would provide the most effective means to curb the risk of HIV transmission in health-care facilities. It requires all employers to implement universal precautions. The standard will cover 4.5 million health-care workers who are potentially exposed to blood on the job and it will protect all patients against exposure to bloodborne diseases.

Mr. President, enacting this standard is the most effective means of stopping both HIV transmission and hepatitis B transmission in health care settings. It has been pointed out that if the OSHA bloodborne standard had been in place and enforced, the suspected transmission of HIV infection to Kimberly Bergalis and four other patients of a Florida dentist would likely not have occurred.

This approach to protecting health-care workers and patients from bloodborne diseases is rational, workable, and enforceable. It is supported by a wide range of organizations ranging from public health and medical groups to labor.

Mr. President, I urge the adoption of this amendment by the Senate.

Mr. AKAKA. Mr. President, I rise today to urge my colleagues to support the amendment offered by the Senator from Massachusetts, Mr. KENNEDY, the majority leader, Mr. MITCHELL, and the minority leader, Mr. DOLE, which would set a deadline of December 1, 1991, for Occupational Safety and Health Administration [OSHA] to issue a rule on the bloodborne disease standard to be implemented in the workplace.

The bloodborne disease [BBD] standard is the most effective response to the risk of HIV transmission in health care facilities because it requires all employers to implement universal precautions. Mandatory HIV testing and disclosure of HIV status are counterproductive—they create a false sense of security and may actually increase the risk of transmission.

Universal precautions provide the best protection for all patients and employees, because all health care workers will be properly trained and equipped to guard against blood exposures. Universal precautions mean that personnel should treat all blood and bodily fluid as infected. By considering all blood as infected, the dangerous idea that some blood is safe will be avoided. The lag between HIV infection and test detection can be as long as half a year. Bloodborne diseases such as hepatitis B are also a threat, particularly in Hawaii which has the highest rate of hepatitis B infection in the Nation. Blood should always be treated with caution.

The Centers for Disease Control, the American Public Health Association, the Association of State and Territorial Health Officials, the American Medical Association, the American Nurses Association, the American Hospital Association, the AIDS Action Council, and the health care employee unions all support requiring universal precautions.

Mr. President, we are grappling with an incredibly pernicious problem. It is one that lends itself, quite understandably, to sweeping fears and rampant misconceptions. If we are to carry out the functions of our office in a responsible manner, we must not embroil ourselves in fomenting further emotionalism and playing to nebulous anxieties.

What we must do is heed the knowledgeable advice of those public health experts and health organizations upon whom we can count for analytically logical recommendations. That, Mr. President, is exactly what we would be doing by supporting the Kennedy-Mitchell-Dole amendment, and I urge my colleagues to do so.

Mr. KENNEDY. Mr. President, I am pleased to propose an amendment with my colleagues, Senator DOLE, Senator MITCHELL and Senator HATCH, that will require the Occupational Safety and Health Administration to issue a final standard on occupational exposure to bloodborne diseases by December 1, 1991.

These regulations will be a decisive step forward in assuring a safe health care setting for health care professionals and their patients. The standard will put in place uniform, enforceable requirements for implementation of universal precautions and infection control procedures, and back them up

with accountability and enforcement mechanisms. This is a sound and solid public health policy that protects both patients and workers alike.

In 1987, OSHA began the process of establishing a bloodborne disease standard. In 1989, the agency issued a proposed rule based on the recommendations of the Centers for Disease Control. The CDC has reinforced the importance of strict adherence to universal precautions as the most effective means of preventing transmission of all bloodborne diseases in each update of the guidelines most recently in July of this year.

The final rule will be the product of an extensive review by OSHA, CDC, and hundreds of health care professional and labor organizations involved in implementing infection control measures in health care settings.

Now it is time to insist that the final rule be issued, so employers will know clearly what is expected of them, and the safety of workers and patients will be ensured.

Under the OSHA bloodborne disease standard, all health care facilities would be required to implement an infection control program based on universal precautions. Health care workers must receive information and training annually at a minimum, in order to protect themselves and their patients.

Universal precautions must be followed in all health care settings where there is a potential for exposure to blood or other body fluids. Employers will be required to provide gloves, gowns, and other protective equipment to ensure that the precautions are followed. The regulations also spell out the appropriate ways to dispose of sharp objects and soiled materials to prevent injury or potential exposure.

For any employee exposed to blood or body fluids, the hepatitis B vaccine must be provided along with post-exposure followup. Clear standards are established for appropriate disinfection and sterilization of equipment to protect patients from any potential contamination. These measures, taken together, will make the health care setting a safe place for all patients and workers, protecting them from HIV and all bloodborne diseases.

While consistent with the CBC guidelines on universal precautions, the OSHA standard will have an enforcement mechanism to make sure these precautions are followed.

As with other occupational health standards, OSHA will have full authority to enforce the standard through inspections and the imposition of civil penalties for violations.

The Department of Labor has already begun training health and safety inspectors, so that inspections of physicians' and dentists' offices and other facilities will begin immediately following the rule's effective date.

By requiring prompt release of the OSHA standard, the Senate will be supporting the recommendations of leading public health officials and responding to public concerns over HIV transmission in the most effective way by placing the focus on universal precautions and infection control.

Together with the CDC guidelines, the OSHA final rule will make sure that employers and health professionals are complying with these safety measures.

Dr. Gary Noble of the CDC said 2 weeks ago at a press conference:

When health care providers follow proper infection control procedures—including proper sterilization and disinfection of instruments—comply with CDC's invasive procedure guidelines, and practice universal precautions with all patients, the very low risk of transmission of HIV during invasive procedures will be reduced to near zero.

I urge all Senators to support this amendment requiring the prompt release of the OSHA final rule on bloodborne diseases.

I ask that certain material pertaining to this subject be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A SUMMARY OF OSHA'S BLOODBORNE INFECTIOUS DISEASE STANDARD

On May 30, 1989, OSHA issued their long awaited proposed rule to protect workers from bloodborne infectious diseases such as the hepatitis B virus and the human immunodeficiency virus (HIV)—the virus that causes AIDS. The bloodborne infectious disease standard is the best way to protect both health care workers and patients. A summary of the standard follows:

INFECTION CONTROL PLAN

Employers must develop a written infection control plan that:

Covers all workers who could be exposed to body fluids or contaminated waste.

Body fluids include blood, saliva, semen, vaginal fluids, spinal fluid, etc. Contaminated waste includes bloody dressings, soiled linens, urine in catheter bags, used needles and syringes, etc.

Details how the employer will implement the bloodborne infectious disease standard.

Is updated when workers' tasks or procedures change.

PERSONAL PROTECTIVE EQUIPMENT

Employers must provide appropriate personal protective equipment for workers.

Personal protective equipment includes gloves, gowns, fluid proof aprons, laboratory coats, head and foot coverings, face shields or masks, eye protection, mouthpieces, resuscitation bags, pocket masks or other ventilation devices.

Employers must make equipment accessible and in the right sizes.

Workers must wear fluid-proof clothing when clothing could be soaked with body fluids or contaminated waste.

SAFE WORK PRACTICES

Workers must wash hands immediately after removing gloves or other personal protective equipment and after contact with body fluids or contaminated waste.

Employers must make accessible, leakproof, hard, plastic containers for disposal of needles and othe sharp objects.

Universal precautions must be observed.

CLEAN WORKSITE

All work surfaces must be disinfected with an approved hospital disinfectant chemical germicide, after use, after contamination, and at the end of the work shift.

Equipment and work surfaces may have protective coverings. These coverings must be removed and replaced after contamination, and at the end of the work shift.

Equipment must be checked for contamination before it is used, serviced, or moved.

Equipment must be cleaned if contaminated.

HEPATITIS B VACCINE AND POST EXPOSURE FOLLOWUP

The employer must provide the hepatitis B vaccine to all workers who are exposed to body fluids or contaminated waste at least once a month. Booster shots must be provided if needed.

After a worker is exposed, the employer must provide a confidential medical checkup and followup that includes at least:

Report of how worker was exposed,

Blood testing of patient and worker (if permission obtained).

Followup with the worker including repeated testing and counseling, symptoms reporting, and education to prevent exposure to others.

WORKER INFORMATION AND TRAINING

Workers must receive information and training on bloodborne infectious diseases within 90 days of hire and at least annually.

Information and training must be geared to the workers' education levels, and be provided in their languages.

Training must cover the following:

How hepatitis B, HIV and other bloodborne diseases are transmitted,

How to avoid contact with blood and other infectious materials,

How to dispose of contaminated materials,

How to use personal protective equipment,

What to do after contact with blood or other infectious materials,

Information on the hepatitis B vaccine,

Explanation of the labeling system for potentially contaminated materials.

OSHA'S BLOODBORNE DISEASE STANDARD PROTECTS PATIENTS AND WORKERS

WHAT IS INFECTION CONTROL

Infection control systems are designed to prevent healthcare workers from transmitting infections to patients and to protect healthcare workers from acquiring infections themselves. Since 1987, infection control programs have been based on universal precautions, which means that all patients are treated as though they are potentially infectious for a bloodborne disease. Universal precautions improve on traditional infection control programs because protection is provided before it is determined whether someone is infected.

WHY IS INFECTION CONTROL IMPORTANT

Infection control is the most important element used to reduce healthcare worker and patient risk of infection by minimizing or eliminating exposure incidents to bloodborne infectious diseases such as hepatitis B and HIV. OSHA estimates the Bloodborne Disease Standard will prevent 220 deaths per year among healthcare workers.

HOW WOULD AN OSHA STANDARD IMPROVE INFECTION CONTROL

The proposed standard includes clear requirements for healthcare facilities to implement an infection control program based on universal precautions. Healthcare facilities would be required to provide gloves and

other protective equipment such as masks, gowns and goggles to workers who come in contact with blood. Gloves would have to be changed between patients and would be replaced whenever torn or punctured. Equipment would have to be sterilized. Employers would be required to repair or replace damaged equipment. Workers would be offered the hepatitis B vaccine free of charge, and would be trained on the proper procedures to follow to prevent transmission of bloodborne infectious diseases. Many healthcare employers, particularly large hospitals, are already moving to implement universal precautions.

HOW WOULD THE STANDARD BE ENFORCED

Under the OSHA Act of 1970, the Occupational Safety and Health Administration has the authority to inspect workplaces to ensure that employers are in compliance with OSHA's standards to provide a healthy and safe workplace. Employers who are not in compliance are cited by OSHA and fined based on the seriousness of the violation. Willful or repeated violations of the bloodborne disease standard could lead to fines of up to $70,000 for each violation. Citations for serious violations could result in penalties of up to $7,000 per violation. Any employer that fails to correct a violation for which a citation has been issued can be fined up to $7,000 per day that the hazard is not abated.

In addition, OSHA has the authority to issue criminal penalties against employers whose willful violation of OSHA's standards results in the death of an employee. Legislation is pending in the Senate to expand OSHA's authority is issue criminal penalties.

OSHA initiates workplace inspections based on employee complaints and agency priorities. In the past, OSHA has developed Special Emphasis Programs for enforcement of specific standards in specific industries. Such a Special Emphasis Program could be developed to enforce the bloodborne disease standard in healthcare facilities.

WHO SUPPORTS REQUIRING UNIVERSAL PRECAUTIONS

Labor unions that represent healthcare workers, public health organizations, government public health officials, infection control experts, and associations of healthcare professionals. Included are the Service Employees International Union, the Centers for Disease Control, the Association of Practitioners in Infection Control, the American Public Health Association, the Association of State and Territorial Health Officials, the American Medical Association, The American College of Emergency Physicians, the American Nurses Association, the American Hospital Association, the National Association of Public Hospitals, and the AIDS Action Council.

THE OSHA BLOODBORNE DISEASE STANDARD SHOULD BE LAW

EFFECTIVE: The Bloodborne Disease Standard (BBD) is the most effective response to the risk of HIV transmission in healthcare facilities because it requires all employers to implement universal precautions. The OSHA BBD Standard will cover 4.5 million healthcare workers who are exposed to blood on the job and their patients.

OVERDUE: The BBD Standard has been unreasonably delayed. SEIU and other unions first petitioned OSHA for a Bloodborne Disease Standard in September 1986. OSHA has finished its work on the BBD Standard. The DOL has repeatedly broken its promises about releasing the standard. The promised deadline of May 1991 was pushed back to September 1991—and then back to Spring 1992.

BROAD REACH: Final implementation of the standard is the only way to ensure enforcement of universal precautions in dentists' and physicians' offices where 60 percent of patient contacts with physicians occur. OSHA is currently enforcing CDC Guidelines on universal precautions in hospitals. Instead of new layers of bureaucracy, the BBD Standard will be enforced through OSHA's existing enforcement machinery of inspections backed by civil and criminal penalties.

PROTECTS EVERYONE: Under universal precautions, the same procedures and barriers that protect workers will also protect patients. The BBD Standard requires employers to identify tasks where exposure to blood occurs, provide training, provide all necessary equipment for universal precautions, and use the best available technology to prevent exposure. This means using gloves and other barrier protections any time that exposure to blood or other bodily fluids is expected to occur.

CONSISTENT SAFETY: Universal precautions will provide the best protection to all patients because all healthcare personnel will be properly trained and equipped to guard against blood exposures. Universal precautions means that personnel should treat all blood and bodily fluids as though infected with the HIV virus. By treating all blood as infected, the dangerous idea that some blood is safe will be avoided. Because of the lag between HIV infection and test detection as well as the threat of other bloodborne diseases like hepatitis B, blood should always be assumed to be treated with caution.

SAVES LIVES: OSHA estimates that the BBD Standard will prevent 9,000 cases of hepatitis B and 220 deaths due to hepatitis B among healthcare workers. CDC estimates that 40 healthcare workers became infected with HIV on the job.

THE HELMS AMENDMENTS DON'T PROTECT PATIENTS OR WORKERS

Senator Jesse Helms has sponsored a pair of bills that would start a war of suspicion between providers and patients. One requires providers to disclose their HIV status to patients before performing many routine medical procedures or face criminal penalties. The other would allow doctors to have patients tested without their consent before treating them.

Yet, the U.S. Centers for Disease Control do *not* recommend either involuntary testing of patients or mandatory disclosure by providers performing a wide range of invasive procedures. The Helms approach will result in less protection than the CDC Guidelines already in effect.

The Helms approach is over-broad. It would cause patients to view *all* providers as sources of infection rather than treatment. The CDC recommends provider disclosure only in the case of those few exposure prone procedures where there may be a significant risk—not *all* invasive procedures.

By criminalizing non-disclosure by providers performing routine invasive procedures, the Helms approach will drive HIV-infected healthcare workers underground, create needless fear among all healthcare workers, and further jeopardize access to care for HIV-infected individuals.

Medical and public health leaders, including the CDC and the Secretary of Health and Human Services, state that infection controls that adhere to universal precautions are the best way to protect both patients and providers against transmission of HIV and other bloodborne illnesses. If providers are allowed to require patient testing, then they will think that the blood of those who test negative is "safe" even though that patient may actually have HIV or some other bloodborne disease. The resulting break down of universal precautions will actually increase the risk of infection.

Testing is less effective and more costly than universal precautions. Tests are too often inaccurate, untimely, or costly. Testing rarely is conducted for the full-spectrum of bloodborne diseases, and many diagnostic tests are insensitive during the early stages of infection. The $1.5 billion annual cost of certifying the HIV status of the nation's healthcare workers will put further financial strains on our already strained healthcare system for an uncertain result.

LABOR COMMITTEE HISTORY WITH OSHA STANDARD

May 1987.—CDC announces the first three cases of HIV infection among health care workers with no other risk factors;

May 1987.—Kennedy introduces comprehensive AIDS legislation entitled the AIDS Research and Information Act which: (1) directs the Secretary of HHS to develop, issue, and disseminate guidelines for the prevention of transmission of HIV and Hepatitis B Virus to health care and public-safety workers; and (2) directs the Secretary of HHS to transmit the guidelines to the Secretary of Labor to be used in the development of standards to be issued under the Occupational Safety and Health Act of 1970;

April 1988.—AIDS Research and Information Act passes;

April 1988.—Kennedy holds OSHA oversight hearings and presses Assistant Secretary Pendergrass for a commitment on the bloodborne disease standard;

June 1988.—CDC publishes universal precaution guideline updates and transmits to the DOL;

June 1988.—Kennedy sends letter to DOL inquiring about the status of the bloodborne disease standard;

July 1988.—Kennedy receives letter from DOL with assurances that the proposed rule will be published by December 1988;

May 1989.—OMB finally allows OSHA to publish a proposed rule;

January 1990.—OSHA fails to meet their promised new year deadline;

April 1991.—DOL tells the Appropriations Committee that the final bloodborne disease standard will be published by September 1991;

September 1991.—DOL asks Kennedy to give them until Spring because they will be unable to get the standard through OMB prior; Kennedy offers an amendment giving DOL until November 1, 1991.

TITLE II—PROGRAMS WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME

SEC. 200. SHORT TITLE.

This title may be cited as the "AIDS Amendments of 1988".

SEC. 253. INFORMATION FOR HEALTH AND PUBLIC SAFETY WORKERS.

(a) DEVELOPMENT AND DISSEMINATION OF GUIDELINES.—Not later than 90 days after the date of the enactment of this title, the Secretary of Health and Human Services (hereafter in this section referred to as the "Secretary"), acting through the Director of the Centers for Disease Control, shall develop, issue, and disseminate emergency guidelines

to all health workers, public safety workers (including emergency response employees) in the United States concerning—

(1) methods to reduce the risk in the workplace of becoming infected with the etiologic agent for acquired immune deficiency syndrome; and

(2) circumstances under which exposure to such etiologic agent may occur.

(b) USE IN OCCUPATIONAL STANDARDS.—The Secretary shall transmit the guidelines issued under subsection (a) to the Secretary of Labor for use by the Secretary of Labor in the development of standards to be issued under the Occupational Safety and Health Act of 1970.

(c) DEVELOPMENT AND DISSEMINATION OF MODEL CURRICULUM FOR EMERGENCY RESPONSE EMPLOYEES.—

(1) Not later than 90 days after the date of the enactment of this title, the Secretary, acting through the Director of the Centers for Disease Control, shall develop a model curriculum for emergency response employees with respect to the prevention of exposure to the etiologic agent for acquired immune deficiency syndrome during the process of responding to emergencies.

(2) In carrying out paragraph (1), the Secretary shall consider the guidelines issued by the Secretary under subsection (a).

(3) The model curriculum developed under paragraph (1) shall, to the extent practicable, include—

(A) information with respect to the manner in which the etiologic agent for acquired immune deficiency syndrome is transmitted; and

(B) information that can assist emergency response employees in distinguishing between conditions in which such employees are at risk with respect to such etiologic agent and conditions in which such employees are not at risk with respect to such etiologic agent.

(4) The Secretary shall establish a task force to assist the Secretary in developing the model curriculum required in paragraph (1). The Secretary shall appoint to the task force representatives of the Centers for Disease Control, representatives of State governments, and representatives of emergency response employees.

(5) The Secretary shall—

(A) transmit to State public health officers copies of the guidelines and the model curriculum developed under paragraph (1) with the request that such officers disseminate such copies as appropriate throughout the State; and

(B) make such copies available to the public.

COMMITTEE ON LABOR AND HUMAN RESOURCES—OSHA HEARING, APRIL 20, 1988

The CHAIRMAN. Can we get assurance about whether OSHA will publish a permanent standard on bloodborne diseases? We will not have a chance to get all the way through that, but we had important and impressive testimony from your scientists, I believe, that there is sufficient information to be able to develop a standard.

What we want is a permanent standard put into effect, not guidelines of other types of—

Mr. BAROODY. Senator—I am sorry, Senator.

The CHAIRMAN. Mr. Pendergrass, can we get assurances on that?

Mr. PENDERGRASS. Mr. Chairman, we started this process a year ago, as I mentioned in my opening statement. We have published an ANPR; we have collected data as a result of that; it is being evaluated, and depending on what the evaluation is, we will either issue a permanent standard or not.

If the scientists feel that this is their recommendation, that is certainly going to be taken into consideration.

The CHAIRMAN. Well, this is what Dr. Harwood—you are familiar with Dr. Harwood at your agency—

Mr. PENDERGRASS. Yes.

The CHAIRMAN. She is a leading medical science expert in OSHA.

Dr. Harwood says: "Well, I have observed the Department of Labor policymakers for a long time, and I see how they behave when they want to stall and when they want to go forward; and based on that, and based on the things I have testified to today, I would say they are delaying."

Just before that—I will find the reference in the testimony—Dr. Harwood said:

"I feel that the hospital and the laboratory are workplaces in the same sense that the steel mill and the factory are workplaces, and I think these viruses are occupational hazards in the same sense that asbestos and benzene are occupational hazards. People get infected at work, people get sick, people die. And I think the only way that they can be protected is if OSHA issues a permanent standard."

And then, when asked whether there was sufficient information to make a standard, she indicated that there was. I will try and get the exact quote, but I will certainly circle it for you and send it to you if staff is not able to come up with it.

What I am interested in finding out is whether you will publish a permanent standard on bloodborne diseases. You have your scientist, who reviewed with us the time she spent down at CDC to review the various materials. She indicated as somebody who is a career employee that it was possible to start the process, move the process along and develop a permanent standard for bloodborne diseases. And I just want to find out now whether you will give us the assurances.

The Chairman asks:

"During all this time, you believe the agency had enough information to publish a proposal for a bloodborne disease standard back in March of 1987, when you made an initial recommendation to the Assistant Secretary; is that correct?

"Answer. That is correct.

"Question. Would we be closer to having a permanent standard today if the agency had followed your recommendation?"

Dr. Harwood responds: "Yes, we would."

What are you going to do, Mr. Pendergrass? What assurances can you give not just this Committee and me, but to the American people as to whether you are going to give this priority?

Mr. PENDERGRASS. The bloodborne disease evaluation has top priority. We certainly are anxious to get a full evaluation of all of the aspects of the proposal, and we will act on that.

Mr. Chairman, we can keep you informed of the process, of the progress we make, if you would like.

The CHAIRMAN. Well, what are you going to do? There is obviously a feeling among the top scientists who are working in these areas, and this is enormously important, in terms of AIDS and Hepatitis B. As Chairman of the Committee, we passed out a bill out of this Committee which the Senate is going to consider in the next several days, S. 1220, dealing with AIDS, and it concerns not only the research and education but also talks about training of health workers. We need that kind of scientific competency, and you've got it—you've got it.

And I don't know the background of Dr. Harwood, but she impressed me as someone in whom I would have a good deal of confidence in at least moving this process along and getting it going forward. Instead, she testified yesterday that she knows when delay is in the air, and that is certainly, from her own testimony, the case.

We want to know whether you are going to do it, yes or no, a permanent standard for bloodborne diseases. Are you going to do it, yes, and when?

Mr. PENDERGRASS. It is an active process, Mr. Chairman. I regret that Dr. Harwood feels that there is delay. I don't think so. And we will proceed, and as I said, we will keep you informed of the progress; we would be very happy to do that. And I agree with you, and this is an important matter.

The CHAIRMAN. Well, I agree with you, this is an important matter, and we will keep you informed is not the same as saying yes, we are going to get a permanent standard on bloodborne diseases, on Hepatitis B, on AIDS; we are going to get it as fast as we can; we are going to comply with the law; it is going to have our top priority, and we will let you know every step along the way that that is what we are going to do, and I am going to try and have that thing done faster than we have ever been able to achieve one—but I can't give you an exact date. Now, why can't you just say it that way?

Mr. PENDERGRASS. Well, I can't give you an exact date, nor can I give you an exact statement as to what is going to be proposed or how long it is going to take to have hearings and all of the other aspects. Certainly, the work that has been done to date is an important part of it. Dr. Harwood's activities are very important, and she has had an active role and will continue to have an active role.

Mr. BAROODY. Mr. Chairman, if I may, if we had had this hearing six months ago—and John, please correct me if I am wrong—and you had made the same request and insistent demand, and John had acted faster than they had ever acted and put in place a rule that would have codified the CDC guidelines five months ago, we would be back in proposal stage now because, if I heard you right yesterday, John, the CDC guidelines were revised two weeks ago.

We think that OSHA has taken more than a delaying tactic here; at the same time they announced they would embark on this process, they said they would enforce, with more than just 5(a)(1); they also repaired to the personal protective standard in their Code.

The CHAIRMAN. Well, I would just say that that is a woefully inadequate response. We all know that with regard to the AIDS virus that there is going to be more and more that is going to be learned; scientists are learning more and more about it; we are going to have to continue to do a great deal in terms of research; we are going to have to try and give assurances to hundreds of thousands of public health workers.

We understand this is going to be an evolving process. We understand that you are going to have to make adjustments and changes. But we are going to admire you when you say this is the best science that we had, this is what we did; we have got new science, so we want to go further on this thing, because there is new science.

The Centers for Disease Control has been extraordinarily constructive and positive. General Koop has been extraordinarily courageous in providing leadership. And for you to say that we cannot because we are going to get different science next year is ducking it, it really is. You are putting at risk a lot of people's lives.

Mr. BARODY. No, quite the contrary——

Mr. PENDERGRASS. Mr. Chairman, no, we are not, Mr. Chairman, we are enforcing the CDC guidelines today.

Mr. BARODY. And we arrived at that decision——

The CHAIRMAN. You know, Mr. Pendergrass, or you should not be sitting where you are, that that isn't the same as a rule. You know it isn't.

Mr. BARODY. It is not the same as a rule——

The CHAIRMAN. So don't suggest, do not suggest that that has the power, that that possibly has the power to grant the kinds of protections which your agency can provide. And I am telling you what I think, and that is you ought to put this on a fast track. The country is concerned about it. There is a great deal of confusion, there is a great deal of fear, and there is enormous anxiety. And to have a business-as-usual attitude on this—that is what you are saying.

All you have to do is say—will you give it a priority?

Mr. PENDERGRASS. It has priority.

The CHAIRMAN. Will you commit here and now that you will give us a rule, that the agency, OSHA, will? Can you tell us that? Yes or no?

Mr. PENDERGRASS. I don't have all the information I need to make that commitment at this time.

The CHAIRMAN. I am not asking you to make that rule today.

Mr. PENDERGRASS. We are on a fast track, but more importantly, we are providing protection in the workplace today based on the CDC guidelines.

[Information supplied for the record follows:]

"RESPONSE OF MR. PENDERGRASS TO SENATOR KENNEDY QUESTION ON THE OSHA AGENDA

"On July 7, 1987, the Departments of Labor (DOL) and Health and Human Services (HHS) joined forces to develop an extensive plan regarding occupational exposures of health-care workers to bloodborne diseases. On October 30, 1987, DOL and HHS issued a joint advisory notice to inform health-care and other affected employers of existing guidelines for bloodborne diseases. These include voluntary guidelines issued by OSHA in 1983 to reduce the risk of occupational exposure to employees in health-care facilities from the hepatitis B virus (HBV); guidelines for HBV vaccination and post-exposure prophylaxis issued by the Centers for Disease Control (CDC); and CDC guidelines for reducing occupational exposure to human immunodeficiency virus (HIV).

"Last year, OSHA notified 500,000 health-care employers, including hospitals, that it would be enforcing CDC guidelines through existing, applicable OSHA standards. Between September 1987 and April 15, 1988, OSHA conducted 59 inspections in health-care facilities. While most of the facilities inspected were found to be in compliance with the guidelines, OSHA issued citations to nine employers. In FY 1988, OSHA plans to conduct about 100 inspections in health-care facilities to ensure compliance with CDC guidelines.

"On November 27, 1987, OSHA issued an Advance Notice of Proposed Rulemaking which invited interested parties to submit data, comments and other pertinent information regarding OSHA's development of a proposed standard for occupational exposure to HBV and HIV. I am still reviewing the information we gathered pursuant to that Advance Notice."

The CHAIRMAN. I asked Dr. Harwood: "And can OSHA require employers to provide the newly-developed Hepatitis B vaccine free-of-charge to health care workers under the guidelines?"

Dr. Harwood responded: "I don't think they can. I think it would be quite difficult under General Duty to provide that."

So, we have heard that that can provide extraordinary protections. You cannot do it under the guidelines, you can under a rule; you won't give us the rule or indicate that you will give it to us. And we have hundreds of workers who are at risk today.

And I want to tell you, even though you will not give that, we are going to continue to have you up here, and we are going to have you up here frequently, to find out what is going on on this, because the public health workers need it, those who are involved in hospitals deserve it. The best scientific information that is available can grant increased kinds of protections, and we are going to insist that this agency move ahead.

This concludes the last of three days of oversight hearings on the Occupational Safety and Health Administration. We said at the outset of these hearings that the record would show that the decision to let workers die while waiting on standards to protect and save their lives has been made at the highest levels of the Administration, and the record showed yesterday and today that Vice President Bush has personally supervised and pushed the effort to roll back health protection for workers.

I said at the outset of these hearings that the record would show the Administration created a superstructure of procedural barriers to the creation and enforcement of needed standards.

Yesterday we heard testimony from one dedicated health professional that you needed to have strong masochistic tendencies to work in this agency, because the Administration makes it so hard to do what the law requires. And another told Senator Metzenbaum that it is hard to sleep at night, knowing that workers are dying while the Office of Management and Budget delays needed action.

We have seen a parade of horribles. We have seen the lives of working men and women cut short. We have seen a policy of industrial mayhem, masquerading as cost-benefit analysis that seems to impose nothing but costs on workers and benefits on business.

As I have said, ours is not a perfect world, but the indictment today is not against accidents. The complaint today is with an agency and the leadership in it who haven't done anything accidentally; they have deliberately chosen to undermine, ignore and trim, and to abuse the law. There are thousands of Americans whose lives are not receiving protection from industrial accident and disease by bureaucratic inaction and malfeasance.

The Committee stands in recess.

[Whereupon, at 1:20 p.m., the Committee was adjourned.]

PARTIAL LISTING OF ORGANIZATIONS OPPOSED TO CRIMINALIZATION, MANDATORY TESTING AND DISCLOSURE, AND SUPPORTIVE OF UNIVERSAL PRECAUTIONS

American Academy of Family Physicians.
American Academy of Pediatrics.
American Association of Critical Care Nurses.
American Association of Nurse Anesthetists.
American College of Emergency Physicians.
American College of Physicians.
American Dental Association.
American Federation of State, County, and Municipal Employees.
American Hospital Association.
American Nurses Association.
American Medical Association.
American Psychiatric Association.
American Psychological Association.
American Public Health Association.
Association for Practitioners in Infection Control.
Association of State and Territorial Health Officials (ASTHO).
Council of State Governments.
Council of State and Territorial Epidemiologists.
Disability Rights Education and Defense Fund.
Intravenous Nurses Society.
National Association of Counties.
National Association of County Health Officials.
National Association of Public Hospitals.
National Commission on AIDS.
National Hemophilia Foundation.
National Medical Association.
Organization for Obstetric, Gynecology, and Neonatal Nurses.
Service Employees International Union (SEIU).
Presbyterian Church.
Society for Hospital Epidemiology of America.
Union of American Hebrew Congregations.
United Church of Christ.
United Methodist Church.
U.S. Conference of Mayors.
U.S. Conference of Local Health Officers.

STATEMENT OF FORMER SURGEON GENERAL C. EVERETT KOOP ON HIV-INFECTED HEALTH CARE WORKERS, AUGUST 29, 1991, NATIONAL PRESS CLUB, AMERICAN MEDICAL ASSOCIATION PRESS CONFERENCE

Well you all know who I am. I'm busier than I ever was. I'm doing about the same things that I did before, only without government portfolio therefore without some government constraint. When I was about to leave my post as Surgeon General people who greeted me said, "What are you going to do?" and I answered somewhat facetiously, "I'm going to join the circus" and they said, "Whatever for?" and I said, "Well one of the things I've gotten most adept at is walking a tightrope." And the tightwire that I walk these days is the fine one between doctor and patient advocate.

I am a physician and I, in general, am very loyal to my profession. But more than that I am first and foremost the patient's advocate. I was when I was in practice for forty years; I was when I was Surgeon General; I was recently when I made five prime time TV shows for NBC which will be shown again this Fall on PBS.

And I continue to be a patient advocate and I'm here today not only as a physician who has gained your respect, I believe, but also as the patient's advocate trying, as always, to separate fact from fiction. And today we've come full circle again and we're back talking about AIDS.

The Surgeon General's report on this subject which I wrote in 1986 is just as accurate and true as it was then as is the contents of the household mailer which was sent to 170 million homes in the United States in 1988. Nevertheless, the public is still concerned and confused about the real risks of getting AIDS and it is really hard to catch, you all know that. First of all, you have to do something to get AIDS, something risky, some-

thing like having a sexual encounter with or shooting drugs, sharing needles with someone who is already infected with HIV. That is what causes AIDS.

I travel around this country continuously I am still amazed when I meet so many people who wonder whether they might catch AIDS from a contact with a healthcare worker. In fact, that's why we are here today. This is such a big worry for many American people that we would like to answer those concerns and, if possible, set that record straight. Not enough people really know that there is so much misinformation out there about AIDS. For example, not enough people know that there is essentially no risk of any latrogenic transmission of the virus, that is transmission from a health care worker to a patient. Not enough people know that there has not yet been a single confirmed case in which there has been transmission of AIDS from a physician or a nurse or other hospital employee to a patient.

And not enough people know that of the almost 187,000 persons with AIDS since the virus was first identified now a decade ago there has been only one case of AIDS attributed to transmission of the virus from a health care worker to a patient and that is this instance we are all familiar with of Kimberly Bergalis and a dentist in Florida. It's true that other patients of the same dentist, although not having AIDS, have been found to be HIV positive. The fact that there are seven million health care workers in America and that there is just this one cluster of apparent transmission of the virus in the practice of dentistry leads me to believe that we may never know the real facts in this case.

We may not know now all the details now surrounding it but we do know that there was a serious breakdown of infection control procedures in that dentist's office. Explanations from all sorts of people vary from calling this Florida episode a fluke to having people suggest that it might be due to misanthropic behavior. Nevertheless, the sad plight of Kimberly Bergalis has led to a kind of increased emotional concern in this land and while individual state legislatures were wondering what they should do about it, the United States Senate acted. I was very disappointed to see that Sen. Helms continued his misguided interest in AIDS. I was even more disappointed that so many of his Senatorial colleagues voted with him and passed an act that if made into law would be a very difficult problem flying in the face of known science and a situation which in actual practice would never work.

Let me assure the American public that their chances of getting AIDS from a health care worker are essentially nil unless they are having a sexual relationship or shooting drugs, with sharing of needles with him or her.

I have frequently commended you members of the media for the absolutely sterling performance that you gave in educating the American people about this most difficult subject of AIDS. I'd like to suggest to you now that you have another opportunity I believe, indeed, the obligation to allay fears and restore confidence once again in the scientific understanding of the transmission of this virus. And please remember that medicine's first concern has always been since the time of Hippocrates to take care of the patient first and that is the way medicine, in general, still operates today. But because the AIDS epidemic is so frightening to so many people and because it is in the long term so tragic to so many people it elicits the tremendous emotional response from almost everyone.

Now in the face of this emotionalism what doctors can do and what they are doing is to take every possible precaution to protect their patients against the virus of AIDS. They will ensure continued use of infection control procedures which have thus far worked so well in avoiding the transmission in the health care setting. But they also must in the future, as many are doing in the present, take every opportunity to educate their patients about the real risks of HIV transmission which are unprotected sexual activity and intravenous use of drugs where one shares needles.

And therefore today we have brought together experts on the field of HIV transmission along with other leaders in medicine with a particular view which they would like to share with you and they will be explaining how the virus of AIDS is spread and what America's doctors are trying to do about it. But first I want to say one thing before moving on to the next speaker and that is to remind you about Belinda Mason—I think you all know who she is—a Kentucky journalist who sat on the National Commission on AIDS and who herself has a special viewpoint because she is a person with AIDS. Mrs. Mason recently really said it all when she proclaimed to President Bush, "Doctors don't give people AIDS, they care for people with AIDS" and that really is the absolute truth. Thank you.

STATEMENT OF DR. GARY NOBLE, DEPUTY DIRECTOR FOR HIV, CENTER FOR DISEASE CONTROL

In the overwhelming number of medical or dental procedures or encounters, there is no risk of AIDS or hepatitis B (HBV) transmission, and it is imperative for both patients and workers to understand that fact. Adherence to "universal precautions" by health care workers plays a major role in preventing the transmission of blood-borne pathogens, including HIV and HBV, to both patients and health care workers. These infection control procedures include appropriate hand washing; the use of gloves and masks, and other protective barriers to prevent blood exposures; care in the use and disposal of needles and other sharp instruments; and appropriate disinfection and sterilization of instruments and other reusable medical and dental equipment.

When standard infection control precautions are followed, the risk of a health care provider transmitting HIV to a patient is zero for most routine medical and dental procedures, and extremely small during "exposure-prone" procedures. Scrupulous adherence to universal precautions and compliance with CDC and AMA recommendations will protect the public from disease transmission.

STATEMENT OF C. GLENN MAYHALL, PRESIDENT, SOCIETY FOR HOSPITAL EPIDEMIOLOGY OF AMERICA

The risk of transmission to patients from HIV-infected physicians, nurses, and other health care workers is so low as to be unmeasurable. In spite of this extremely low risk the public has demanded that health care workers be tested for HIV infection and the HIV-infected health care workers inform patients of their positive status before performing an invasive procedure.

If this occurs, for the first time in our history, and in a nation with a population of 250 million people, public health policy will have been made on the basis of risk so low that it can not even be measured.

We believe that a much more rational approach to the prevention of transmission of HIV during the delivery of health care is to attempt to prevent the transmission of all infections in all health care settings by emphasizing and teaching health care workers to use good infection control techniques.

Emphasis on practicing good patient care techniques for infection prevention would place patients at a lower risk for all infections including all blood-borne infections. Testing health care workers for HIV infection would not detect other blood-borne infections such as hepatitis B, hepatitis C and other viral infections. On the other hand, good infection control technique would also protect patients from these more common blood-borne infections.

We believe that testing health care workers for HIV infection will overshadow and detract from efforts in improving infection control in all health care settings.

Good infection control procedures include interruption of patient contacts by health care workers when they have breaks in the skin of their arms or hands, use of good techniques during the performance of invasive procedures to minimize the chance for transmission of their blood and use of barrier materials to prevent contact of their skin, blood and body fluids with open wounds of patients. Infection control in the form recommended by the Centers far Disease Control offers the best protection against the bidirectional transmission of HIV infection.

The Society for Hospital Epidemiology of America, propose that, rather than implementing an extensive testing program for health care workers, all health care workers and students in the health care professions be trained in the practice of good infection control techniques in an attempt to protect all patients from all infections for which they are at risk while receiving health care. We believe that this will be the least disruptive and most effective strategy for protecting our patients from all infections acquired in any health care setting.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the role.

Mr. HARKIN. Mr. president, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. HARKIN. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc with the exception of the following committee amendments: On page 9, line 10: on page 15, line 15; on page 15, line 16; on page 18, line 5; on page 18, line 25 through line 2 on page 19; on page 23, lines 2 through 4; on page 25, line 5 through 8; on page 27, line 20; on page 29, lines 2 through 5; on page 47, lines 1 through 9; on page 60, line 13 down through line 7 on page 61; on page 72, line 24; on page 83, lines 21 through 23; and on page 67, lines 1 and 2; and that the bill as thus amended be considered as original text for the purpose of further amendments provided that no point of order be waived by reason of this agreement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The committee amendments were agreed to, en bloc, with the following exceptions: On page 9, line 10; on page 15, line 15; on page 15 line 16; on page 18, line 5; on page 18, line 25 through line 2 on page 19; on page 23, lines 2 through 4; on page 25, line 5 through 8; on page 27, line 20; on page 29, lines 2 through 5; on page 47, lines 1 through 9; on page 60, line 13 down through line 7 on page 61; on page 72, line 24; on page 83, lines 21 through 23; and on page 67, lines 1 and 2.

The PRESIDING OFFICER. The pending amendment is temporarily laid aside.

Mr. HARKIN. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceed to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I ask unanimous consent to lay aside the pending committee amendment to offer another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1102

Mr. HATFIELD. Mr. President, I sent an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon, Mr. HATFIELD, for himself and Mr. HARKIN, proposes an amendment numbered 1102.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 26, line 6, strike "363,176,000" and insert in lieu thereof: "397,176,000: *Provided*, That of the funds made available under this heading, $22,000,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992".

On page 28, line 13, strike "133,724,000" and insert in lieu thereof "125,724,000".

On page 29, line 10, strike "$92,085,000" and insert in lieu thereof "$89,485,000".

Mr. HATFIELD. Mr. President, I rise today to offer an amendment on behalf of Senator HARKIN and myself which will increase the Federal investment in medical research for Alzheimer's disease and related dementia by $34 million. It does not come easily to me, Mr. President, to come to the floor and offer a funding allocation amendment to any appropriations bill. I have tremendous respect for the appropriations process, its opportunities and its limitations.

However, I am here today because of my fear for the future of aging America. Currently our Nation is spending over $80 billion a year on the skyrocketing costs of Alzheimer's disease. If we do not begin to unlock the mysteries of aging diseases such as Alzheimer's, we will be unable to meet the future costs of health care for our elderly citizens. Medical research is the only hope we have for preventing further suffering by patients and families, and to control these soaring costs.

Mr. President, 4 million Americans currently suffer from Alzheimer's disease and demographic trends indicate that 14 million Americans will be stricken by the middle of the next century unless science finds a way to cure or prevent this devastating disease. One of every 3 families knows the pain of Alzheimer's disease as studies show that 1 in 10 Americans over age 65 and nearly half of those over 85 are stricken.

Alzheimer's disease is truly a costly mystery. It has no fail-proof diagnosis, treatment, or cure. An increased Federal investment in medical research could lead to a simple, accurate diagnostic test that could save as much as $1 billion a year which Medicare now spends for diagnosis. In addition, there are no drug treatments currently on the market, or even close to approval. If researchers could develop an effective drug treatment, nearly half a million persons would be spared the anguish of nursing home care and an estimated $76 billion would be saved over the next 25 years.

Just a few weeks ago the Alzheimer's community in this country received some exciting news—researchers have been able to duplicate in rats the nerve cells which cause dementia in Alzheimer's patients. As a result, researchers were able to inject the rats with another human protein, a neurological messenger called substance P that protected the rats from the ravages of cell death. This breakthrough may well lead to a natural substance which could actually prevent Alzheimer's disease. This is very encouraging news which deserves our full attention.

Mr. President, I have worked hand-in-hand with the distinguished chairman of this subcommittee, Mr. HARKIN, to increase our Federal commitment to this disease. I know he shares my deep concern about this issue and I commend his efforts to move it forward on the Federal priority list. I further appreciate his assistance this year in achieving a $40 million increase for Alzheimer's disease. I am especially pleased that $5 million of this increase will go to launch a program to help families struggling to care for an Alzheimer patient at home. For too long, families have been the forgotten victims, left to contend with the physical, emotional, and financial hardships of this disease without much help from anyone else. This new pilot grant program will help States set the framework for the kinds of support services that families so desperately need. In addition, Mr. President, I am most heartened that the subcommittee offers hope in its report to accompany this bill for doubling funding in the near term.

Having said that, I am disappointed that more could not have been done. This situation threatens to hemorrhage our society unless we find a cure or effective treatment. I am convinced that we must make this disease one of our highest national priorities, as we have done with other diseases. To do that will require a strong and sustained research effort.

The scientific leaders in this field tell me that a national commitment of this type ultimately will take an investment of $500 million. My hope and desire was to bring us closer to that goal this year. Therefore, I am here today to urge my colleagues to recognize the potential disaster we have in this disease, and to allocate increased funds for fighting its devastation. If we do not make these difficult decisions now—if we do not go the extra step—this problem will quickly grow beyond our reach.

Currently the Federal Government invests $230 million on Alzheimer's research, or less than $60 a patient. In contrast, it costs an average of $22,000 a year to care for an Alzheimer's patient. If, by increasing research expenditures now, we could either delay the onset of Alzheimer's for 5 years or reduce by 50 percent the number of people afflicted, this would result in a savings of as much as $500 billion per decade. Yet, we cannot even dream of approaching this level when we now spend a trivial amount for research—approximately three-tenths of a cent for every dollar spent for the care of those afflicted with the disease.

Mr. President, I have committed my remaining years in public service to bettering the quality of life for those in my State and the Nation. I intend to fight to ensure that Alzheimer's disease and related aging diseases gain parity with the big three diseases within which we currently fund research at the $1 billion mark and above—cancer, heart disease, and AIDS. There are the three diseases on which we have focused in the last decade—and we are now spending four to seven times more in research on each. As an advocate for all medical research I don't dispute a

penny of this money, but I believe the potential social and economic costs of Alzheimer's disease dictate its place in this exclusive club. The amendment is budget neutral with a corresponding offset from the NIH Office of the Director's contingency fund. I urge the full support of my colleagues.

I ask unanimous consent that a recent article from the Washington Post on the latest research in Alzheimer's disease be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ALZHEIMER'S RESEARCHERS REPORT MAJOR GAIN

(By William Booth)

With rats as their patients, scientists for the first time have duplicated the damage and death of brain cells that is the hallmark of Alzheimer's disease, and found a possible treatment.

By injecting a common protein from the human brain into a rat's cerebral cortex, scientists mimicked in part the twisted wreck of nerve cells that causes dementia in Alzheimer's patients.

Even more significantly, researchers then injected their rats with another human protein, a neurological messenger called "substance P," that protected them from the ravages of cell death.

The twin findings, reported today in the Proceedings of the National Academy of Sciences, are being described as a major advance in the understanding of Alzheimer's disease, when it befuddles and disorients an estimated 4 million Americans, most of them elderly. Another 250,000 cases are diagnosed each year.

"It is very exciting work," said Zaven Khachaturian, associate director of the National Institute on Aging, which funded the experiments in part, "This gives us a way to approach treatment. It means there might be some naturally occurring substance that could actually prevent Alzheimer's."

Khachaturian said researchers are already working to reproduce the results in monkeys, whose brains more closely resemble those of humans. In addition, Khachaturian said the institute is organizing a network of 30 hospitals and clinics to quickly test promising anti-Alzheimer's agents, including substance P.

Although researchers caution that substance P, or a closely related agent, is at least several years away from experimental use in humans, they say the findings show that it is at least theoretically possible to prevent or perhaps slow the disease.

"I think it's very early, but it does give us a new therapeutic approach. In theory, you could intervene and prevent the horror story of Alzheimer's from happening," said Neil Kowall of Massachusetts General Hospital, who completed the rat studies with Bruce Yankner of Children's Hospital in Boston and other colleagues.

"It is a direction," Kowall said. "It is not a cure."

The research published today comes close to finally answering a central question about the cause of Alzheimer's disease.

Scientists have noted that the brains of Alzheimer's patients are dotted with splotches of a common brain protein called "beta-amyloid." In a healthy human brain, the amyloid protein coils through the outer shell or membrane of a nerve cell. In Alzheimer's, bits and pieces of amyloid break away from the cell and appear throughout the brain, gathering into microscopic globs known as "plaques." Those plaques are a telltale sign of the disease.

There has been a raging debate, however, over the role of amyloid. Does it cause cell damage and death? Does it lead to the creation of the tangles and knots that cause dementia in the brain? Or are the plaques simply a result of other, still obscure, processes?

The work of the Boston researchers shows that when beta-amyloid is injected directly into the brains of healthy rats, it causes profound neurological damage all around the site of the injection. It also stimulates the arrival of antibodies unique to Alzheimer's disease in humans.

Researchers now believe that beta-amyloid plays not a bit part, but a central role in Alzheimer's. The whole script, however, has not been read.

"There's pretty strong evidence now that beta-amyloid is a neurotoxin, at least in certain situations," Yankner said. "Some of the degenerative changes we see in the Alzheimer's brain we can see in the rat brain."

The Boston team then went further to show that another common brain protein could protect nerve cells from the insidious influence of beta-amyloid. The researchers injected the same rats with substance P, a so-called "neuro-transmitter that relays pain sensations from the spinal cord to the brain, and within the brain, shuttles messages back and forth among neurons.

In a way not yet understood, substance P protected the rats against the damaging effects of beta-amyloid. Protection was greatest the sooner substance P was given.

The scientists said that one day elderly people might be monitored for elevated levels of beta-amyloid, which show up not only in the brain, but also in the skin. If a skin test reveals high levels of the protein, doctors could administer substance P or something like it to keep the beta-amyloid from causing cell death and knotty tangles of Alzheimer's.

Mr. HATFIELD. Mr. President, I have offered this amendment on behalf of the chairman of committee, Senator HARKIN, and myself. What it basically does is to add $34 million for Alzheimer's disease research. The amendment includes the requisite offset so that it does not violate the subcommittee's 602(b) allocation.

Unless the Senator from Iowa wishes to comment, I ask that we move to a vote.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to amendment No. 1102.

The amendment (No. 1102) was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1103

(Purpose: To amend Public Law 81-874 (Impact Aid) regarding payments received under section 3(a) of such Act)

Mr. PELL. Mr. President, the appropriations bill before us today contains an amendment to allow impact aid districts to use prior year data for purposes of applying for impact aid payments. For most school districts this is welcome news that will speed up the delivery of impact aid payments throughout the country. However, for a handful of districts that have increasing numbers of federally connected children this year, and therefore additional children to educate, this amendment could cause the district to lose money in the middle of the school year.

My amendment would simply serve to protect these districts, which are few in number, by allowing them to use their current year enrollment data if they have had at least a 5-percent increase in population. I think this amendment is fair and reasonable and urge my colleagues to support it. I believe it has been cleared on both sides of the aisle.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL] proposes an amendment numbered 1103.

Mr. PELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 53, line 11, insert "(1)" after "except that".

On page 53, line 19, insert "; and (2) any local education agency with an increase of 5 percent or more from school year 1990–1991 to school year 1991–1992 in the number of children described in section 3(a) of Public Law 81–874, as a direct result of activities of the United States, and that submits a written request to the Secretary, shall be paid on the basis of the number of children who, during fiscal year 1992, are in average daily attendance at the schools of such agency and for whom such agency provides free public education" before the colon.

Mr. PELL. Having already explained the amendment, I would very much hope the question would be put.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment (No. 1103) was agreed to.

Mr. PELL. Mr. President, I thank the Chair. I thank the managers of the bill very much for their courtesy.

Mr. HARKIN. Mr. President, I move to reconsider the vote.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa [Mr. HARKIN].

Mr. HARKIN. We may have some further business in a minute, Mr. President. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. BURNS. Mr. President, this morning, as we are talking about these programs that involve each and every neighborhood in the length and breadth of America, I want to express my support for the amendment offered by Senators HARKIN and WIRTH to increase the funding for several important education programs. I am, however, a little disappointed that the amendment has been diluted substantially from Senator WIRTH's original proposal.

This is not to say that the current amendment's support of LIHEAP is not well deserved. But I thought the original proposal to allocate nearly $1 billion for additional budget authority to effective and time-proven education programs was more worthy of the Senate's full support.

I hope we can bring these numbers up close to the original Wirth proposal in the House-Senate conference where the House allocations for these important education programs are substantially higher.

The current amendment allocates an additional $300 million for programs such as Head Start, which is a proven program; vocational education, a proven program; TRIO; and impact aid. I happen to come from a State where impact aid is very important to the educational system.

It also includes another additional very important part, and that is funds for immunization. The passage of this amendment and even better outcome in conference will start us on a course to send our children to school, No. 1, healthy, and also prepared.

It has been said many times, but it is worthy of repeating, especially by a husband of a former teacher, that if we are to remain competitive as a Nation we must invest in this thing called education. It is the very cornerstone. Everyone agrees: Educators, parents, Democrats, Republicans, Congress, the President of the United States; we must improve this educational system.

It is a slow evolution. The improvements come very slowly in a system. You just do not take sledgehammer effects to it. But there are some exciting reforms that are being discussed, many of which will be enacted, and hopefully will be later this fall.

President Bush has called the Nation to action with America 2000 and the six national education goals. Congress has responded with its own proposals. Individual States have some great ideas that should be implemented nationwide. And educators at all levels must be brought into the process.

These reforms will take some time to bring on line. However, the time now is to act; the time to act is right now. That is why we must fund the programs that we know will work.

Programs being targeted for increases under this amendment will pay for things like reading instruction for disadvantaged 6-year-olds and early intervention programs for preschoolers.

I had the opportunity a few months ago to read to some students who are a part of Even Start Program in Montana. It is truly a rewarding experience to see those children so eager to listen and to learn. And one has to be humbled whenever you are trying to read to 4- and 5-year-old children, the patience it takes in a teacher to hold their concentration even for 5 minutes. It is pretty tough to do. But with a little humor you can do it.

The additional funds will also be used to make sure that disadvantaged high school students will have equal opportunity to go on to higher education and to succeed in the TRIO programs. And they will help to retrain adults through the various vocational education programs.

In short, this amendment goes beyond the rhetoric and it puts some real dollar investment in our schoolchildren and in the future of our Nation.

I know that some will oppose this amendment on budgetary grounds. I want to say that I, too, am very concerned that we get the Federal spending under control, which is why we need to assign priorities to our spending. Education happens to be very very high on my priority list.

Clearly all of our problems cannot be solved by merely throwing money at them. And education is no exception. But we must follow this increased commitment to proven education programs with important educational reforms. That is the key and the cornerstone.

I look forward to considering those reforms later this session and hope that all of our colleagues will join in both of these efforts.

As I stated before, money is not the total answer to some of the reforms and the success of our education system. We must find new ways to motivate our teachers, classroom instructors, principals, and school boards to rejuvenate those people that, yes, the No. 1 priority in this country is to educate our youth.

I thank you, Mr. President. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I ask unanimous consent that I be made a cosponsor of the Kennedy-Dole amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GORE). Without objection, it is so ordered.

AMENDMENT NO. 1101

Mr. MITCHELL. Mr. President, I rise today to join the Republican leader, Senator DOLE and Senators KENNEDY and HATCH in offering an amendment to the fiscal year 1992 Labor, HHS, Education appropriations bill which will require the Secretary of Labor to promulgate final rules and regulations concerning occupational exposure to bloodborne pathogens.

Health care workers and others exposed to bloodborne pathogens in the workplace are rightly concerned about protecting themselves from possible exposure to AIDS, hepatitis B, and other serious disease. The Department of Labor has been working on regulations for more than 5 years which would require employers to supply the equipment and training necessary to protect workers from exposure to bloodborne pathogens.

Extensive hearings have been held and a tremendous volume of comments has been received by the Department of Labor on this issue. Although the work on these regulations has been completed, the Department has missed a number of deadlines for issuing a final standard. The delay in issuing these regulations threatens the safety of workers exposed to bloodborne pathogens in the workplace. It is imperative that the Federal Government issue the final regulations as soon as possible.

The OSHA bloodborne disease standard provides the most effective means for guarding against infection and establishes uniform national standards while activating an existing enforcement mechanism. When these regulations become law OSHA inspectors can immediately begin inspecting the offices of health care providers to ensure universal precautions are strictly adhered to.

OSHA estimates that the bloodborne disease standard will prevent 9,000 cases of hepatitis B and 220 deaths due to hepatitis B among healthcare workers. The Centers for Disease Control es-

timates that 40 healthcare workers became infected with HIV on the job. Clearly, adherence to Federal standards should reduce future exposure to HIV.

The amendment we offer today will require the Secretary of Labor to promulgate final regulations concerning occupational exposure to bloodborne pathogens on or before December 1, 1991. The final standard will be based on the proposed standard published on May 30, 1989, on which there has been substantial public comment.

In the event the final standard is not promulgated by December 1, the proposed regulations will become effective as an interim standard.

We have discussed this matter at length with the Department of Labor. Both the Congress and the administration share the same objective—to get these regulations promulgated as soon as possible so that the Federal Government can assume its responsibility to protect workers from exposure to bloodborne pathogens in the workplace.

Adoption of this amendment is intended to achieve that goal. I urge my colleagues to join with us in supporting this important amendment.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I am now about to propound a unanimous-consent request dealing with votes on this and the Wirth-Harkin amendment. I am advised by staff that they have been cleared on the Republican side of the aisle.

Mr. President, I ask unanimous consent that at 1:15 p.m., there be a vote on the Wirth amendment, No. 1084, and that vote be followed immediately without intervening action or debate by a vote on the Dole-Mitchell amendment, also sponsored by Senators KENNEDY, HATCH, and HARKIN. That is amendment No. 1101, immediately following the vote on the Wirth amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, have the yeas and nays been requested on the Dole-Mitchell amendment?

The PRESIDING OFFICER. They have not.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MITCHELL. Mr. President, then Senators should now be aware, and I hope their offices will notify each Senator, that there will be two rollcall votes back-to-back, beginning at 1:15 p.m., the first on the Wirth-Harkin amendment debated earlier today, the second on the Dole-Mitchell, et al., amendment offered earlier today and to which I have just spoken, and to which I believe the distinguished Republican leader will now speak as well.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

AMENDMENT NO. 1101

Mr. DOLE. Mr. President, in July, this body took an important step in the protection of the American public by passing legislation requiring States to implement the newly issued Center for Disease Control guidelines for health care workers who are infected with the HIV virus.

Today, we have the opportunity to protect more Americans. In May 1989, the Department of Labor proposed a major new set of regulations to protect an estimated 5.3 million workers—4.7 million in health care facilities—against the AIDS and hepatitis B viruses and other bloodborne pathogens.

These regulations cover the waterfront, requiring employers to identify jobs involving actual or potential exposure, and to implement an infection-control plan for those workers whose duties put them at risk.

Since the proposal was made, over 3,000 comments were received from the public—a record for any proposed rulemaking. The amount of comments, and the complexity of the regulations—with over 600 pages of supporting material alone—have understandably resulted in delaying their final implementation.

However, the American public can wait no longer. With the support of Labor Secretary Martin, Senators MITCHELL, KENNEDY, PACKWOOD, HATCH, and MOYNIHAN have joined me in the offering of this amendment.

If adopted, this amendment will require the Secretary of Labor to issue final rules and regulations concerning the standard on occupational exposure to bloodborne pathogens on or before December 1, 1991. If this deadline is not met, the regulations as proposed by the Department of Labor in May 1989, will take effect, pending the issuance of final regulations.

Mr. President, there is no doubt that, once implemented, these regulations will reduce the number of occupational exposures to the hepatitis B virus, the AIDS virus, and other bloodborne pathogens. And there should also be no doubt that the sooner these regulations take effect, the better.

Mr. President, we do not pretend that the CDC guidelines, along with these regulations, will provide 100-percent protection. No doubt, gloves leak, needles are dropped, fingers are unexpectedly cut—but the fact that we cannot give a total guarantee in no way diminishes the importance and value of these efforts. This is simply one more effort on our part.

Mr. HATCH. Mr. President, shortly before the August recess, the Senate overwhelmingly passed two amendments concerning HIV infection in health-care professionals. There was a consensus among many of us that the next step was to provide similar protections for health-care professionals from exposure to HIV through patient-care contact.

I am strongly in support of this compromise leadership amendment.

I have considered many mechanisms to make this proposal symmetrical with the leadership compromise directed at HIV transmission from health professionals to patients. Perfect symmetry, however, simply will not work and will have unwanted consequences. The only approach that will work is strict enforcement of universal precautions.

Health professionals are always at risk of exposure to bloodborne pathogens. Many patients who carry these agents do not know it. They are still potentially infectious. The health professional is still at risk.

The OSHA rules of May 1989 are a reasonable place to start. This amendment requires the Secretary of Labor to have final rules by December 1, 1991, which will then take precedence over the previous regulations. This is a reasonable and effective approach. I urge my colleagues to support it.

But, having said this, Mr. President, I do not want my actions to be misinterpreted regarding OSHA. In fact, on balance, Mr. President, I think OSHA is doing a remarkable job. When the Congress enacted the Occupational Safety and Health Act of 1970, it was with a complete understanding that a risk-free workplace was not possible. OSHA was assigned the task of evaluating the facts, making decisions on the basis of these facts, and moving to minimize and abate workplace hazards accordingly. OSHA was not, and should not be, in the business of speculations or selective interpretation of facts.

In this necessary effort to balance interests on the basis of fact, to weigh the relative costs and benefits of some areas of proposed regulation, and in others to gather enough evidence to determine that a significant risk exists, OSHA almost always walks the fine line between special interest demands and has, on balance, conducted itself as we would desire and expect it to.

We are taking this action today because of its obvious unique circumstances. The normal administrative procedures and requirements mandated under the Occupational Safety and Health Act of 1970 must not be circumvented in any situation short of such a novel set of circumstances, which will be very rare.

Lastly, let me personally thank Secretary Martin for her cooperation. I believe we must always work together in any situations wherein unique circumstances may necessitate unusual action.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HARKIN). Without objection, it is so ordered.

MORNING BUSINESS

Mr. GORE. I ask unanimous consent that there be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Mr. President, I first of all want to thank the Presiding Officer personally for taking the Chair briefly so that I might make the following request.

HIGH-PERFORMANCE COMPUTING ACT OF 1991

Mr. GORE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 87, S. 272, the High-Performance Computing and National Research Act.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 272) to provide for a coordinated Federal research program to ensure continuing United States leadership in high-performance computing.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "High-Performance Computing Act of 1991".

SEC. 2. FINDINGS AND PURPOSE.

(a) The Congress finds the following:

(1) Advances in computer science and technology are vital to the Nation's prosperity, national and economic security, and scientific advancement.

(2) The United States currently leads the world in the development and use of high-performance computing for national security, industrial productivity, and science and engineering, but that lead is being challenged by foreign competitors.

(3) Further research and development, expanded educational programs, improved computer research networks, and more effective technology transfer from government to industry are necessary for the United States to fully reap the benefits of high-performance computing.

(4) Several Federal agencies have ongoing high-performance computing programs, but improved interagency coordination, cooperation, and planning could enhance the effectiveness of these programs.

(5) A 1989 report by the Office of Science and Technology Policy outlining a research and development strategy for high-performance computing provides a framework for a multi-agency high-performance computing program.

(6) Such a program would provide American researchers and educators with the computer and information resources they need, while demonstrating how advanced computers, high-speed networks, and electronic data bases can improve the national information infrastructure for use by all Americans.

(b) It is the purpose of Congress in this Act to help ensure the continued leadership of the United States in high-performance computing and its applications. This requires that the United States Government—

(1) expand Federal support for research, development, and application of high-performance computing in order to—

(A) establish a high-capacity national research and education computer network;

(B) expand the number of researchers, educators, and students with training in high-performance computing and access to high-performance computing resources;

(C) develop an information infrastructure of data bases, services, access mechanisms, and research facilities which is available for use through such a national network;

(D) stimulate research on software technology;

(E) promote the more rapid development and wider distribution of computer software tools and applications software;

(F) accelerate the development of computer systems and subsystems;

(G) provide for the application of high-performance computing to Grand Challenges; and

(H) invest in basic research and education; and

(2) improve planning and coordination of Federal research and development on high-performance computing.

SEC. 3. DEFINITIONS.

As used in this Act, the term—

(1) "Director" means the Director of the Office of Science and Technology Policy; and

(2) "Council" means the Federal Coordinating Council for Science, Engineering, and Technology chaired by the Director of the Office of Science and Technology Policy.

SEC. 4. NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM.

The National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.) is amended by adding at the end the following new title:

"TITLE VII—NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM

"NATIONAL HIGH-PERFORMANCE COMPUTING PLAN

"SEC. 701. (a)(1) The President, through the Federal Coordinating Council for Science, Engineering, and Technology (hereafter in this title referred to as the 'Council'), shall, in accordance with the provisions of this title—

"(A) develop and implement a National High-Performance Computing Plan (hereafter in this title referred to as the 'Plan'); and

"(B) provide for interagency coordination of the Federal high-performance computing program established by this title.

The Plan shall contain recommendations for a five-year national effort and shall be submitted to the Congress within one year after the date of enactment of this title. The Plan shall be resubmitted upon revision at least once every two years thereafter.

"(2) The Plan shall—

"(A) establish the goals and priorities for a Federal high-performance computing program for the fiscal year in which the Plan (or revised Plan) is submitted and the succeeding four fiscal years;

"(B) set forth the role of each Federal agency and department in implementing the Plan; and

"(C) describe the levels of Federal funding for each agency and department and specific activities, including education, research activities, hardware and software development, establishment of a national gigabits-per-second computer network (to be known as the National Research and Education Network), and acquisition and operating expenses for computers and computer networks, required to achieve the goals and priorities established under subparagraph (A).

"(3) Accompanying the Plan shall be—

"(A) a summary of the achievements of Federal high-performance computing research and development efforts during that preceding fiscal year;

"(B) an analysis of the progress made toward achieving the goals and objectives of the Plan; and

"(C) any recommendations regarding additional action or legislation which may be required to assist in achieving the purposes of this title.

"(4) The Plan shall address, where appropriate, the relevant programs and activities of the following Federal agencies and departments:

"(A) the National Science Foundation;

"(B) the Department of Commerce, particularly the National Institute of Standards and Technology, the National Oceanic and Atmospheric Administration, and the National Telecommunications and Information Administration;

"(C) the National Aeronautics and Space Administration;

"(D) the Department of Defense, particularly the Defense Advanced Research Projects Agency;

"(E) the Department of Energy;

"(F) the Department of Health and Human Services, particularly the National Institutes of Health and the National Library of Medicine;

"(G) the Department of the Interior, particularly the United States Geological Survey;

"(H) the Department of Education;

"(I) the Department of Agriculture, particularly the National Agricultural Library; and

"(J) such other agencies and departments as the President or the Chairman of the Council considers appropriate.

"(5) In addition, the Plan shall take into consideration the present and planned activities of the Library of Congress, as deemed appropriate by the Librarian of Congress.

"(6) The Plan shall identify how agencies and departments can collaborate to—

"(A) ensure interoperability among computer networks run by the agencies and departments;

"(B) increase software productivity, capability, portability, and reliability;

"(C) expand efforts to improve, document, and evaluate unclassified public-domain software developed by federally-funded researchers and other software, including federally-funded educational and training software;

"(D) cooperate, where appropriate, with industry in development and exchange of software;

"(E) distribute software among the agencies and departments;

"(F) distribute federally-funded software to State and local governments, industry, and universities;

"(G) distribute Federal agency data bases and information;

"(H) accelerate the development of high-performance computer systems, subsystems, and associated software;

"(I) provide the technical support and research and development of high-performance computer software and hardware needed to address Grand Challenges in astrophysics, geophysics, engineering, materials, biochemistry,

plasma physics, weather and climate forecasting, and other fields;

"(J) provide for educating and training additional undergraduate and graduate students in software engineering, computer science, library and information science, and computational science; and

"(K) identify agency rules, regulations, policies, and practices which can be changed to significantly improve utilization of Federal high-performance computing and network facilities, and make recommendations to such agencies for appropriate changes.

"(7) The Plan shall address the security requirements and policies necessary to protect Federal research computer networks and information resources accessible through Federal research computer networks. Agencies identified in the Plan shall define and implement a security plan consistent with the Plan.

"(b) The Council shall—

"(1) serve as lead entity responsible for development of the Plan and interagency coordination of the program established under the Plan;

"(2) coordinate the high-performance computing research and development activities of Federal agencies and departments and report at least annually to the President, through the Chairman of the Council, on any recommended changes in agency or departmental roles that are needed to better implement the Plan;

"(3) review, prior to the President's submission to the Congress of the annual budget estimate, each agency and departmental budget estimate in the context of the Plan and make the results of that review available to the appropriate elements of the Executive Office of the President, particularly the Office of Management and Budget; and

"(4) consult and coordinate with Federal and State agencies, and research, educational, and industry groups, conducting research on and using high-performance computing.

"(c) The Director of the Office of Science and Technology Policy shall establish an advisory committee on high-performance computing consisting of prominent representatives from industry and academia who are specially qualified to provide the Council with advice and information on high-performance computing. The advisory committee shall provide the Council with an independent assessment of—

"(1) progress made in implementing the Plan;

"(2) the need to revise the Plan;

"(3) the balance between the components of the Plan;

"(4) whether the research and development funded under the Plan is helping to maintain United States leadership in computing technology; and

"(5) other issues identified by the Director.

"(d)(1) Each appropriate Federal agency and department involved in high-performance computing shall, as part of its annual request for appropriations to the Office of Management and Budget, submit a report to the Office identifying each element of its high-performance computing activities, which—

"(A) specifies whether each such element (i) contributes primarily to the implementation of the Plan or (ii) contributes primarily to the achievement of other objectives but aids Plan implementation in important ways; and

"(B) states the portion of its request for appropriations that is allocated to each such element.

"(2) The Office of Management and Budget shall review each such report in light of the goals, priorities, and agency and departmental responsibilities set forth in the Plan, and shall include, in the President's annual budget estimate, a statement of the portion of each appropriate agency or department's annual budget estimate that is allocated to each element of such agency or department's high-performance computing activities.

"(e) As used in this section, the term 'Grand Challenge' means a fundamental problem in science and engineering, with broad economic and scientific impact, whose solution will require the application of high-performance computing resources.".

SEC. 5. NATIONAL RESEARCH AND EDUCATION NETWORK.

(a) In accordance with the Plan developed under section 701 of the National Science and Technology Policy, Organization and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), as added by section 4 of this Act, the National Science Foundation, the Department of Defense, the Department of Energy, the Department of Commerce, the National Aeronautics and Space Administration, and other appropriate agencies, shall provide for the establishment of a national multi-gigabit-per-second research and education computer network by 1996, to be known as the National Research and Education Network (hereinafter referred to as the "Network"), which shall link research and educational institutions, government, and industry, in every State. The National Science Foundation shall act as lead agency in coordinating the collaboration among Federal agencies contributing to deployment of the Network. Federal agencies shall work with State and local agencies, libraries, educational institutions and organizations, and private network service providers in order to ensure that researchers, educators, and students have access to the Network. Within the Federal Government, the National Science Foundation shall have primary responsibility for connecting colleges, universities, and libraries to the Network.

(b) The Network shall provide users with appropriate access to supercomputers, computer data bases, other research facilities, and libraries.

(c) The Network shall—

(1) be developed in close cooperation with the computer, telecommunications, and information industries; and

(2) be designed, developed, and operated in collaboration with potential users in government, industry, and the education community.

(d) The Network shall be established in a manner which fosters and maintains competition within the telecommunications industry and promotes the development of interconnected high-speed data networks by the private sector. Accordingly—

(1) to the maximum extent possible, operating facilities needed for the Network should be procured on a competitive basis from private industry;

(2) Federal agencies shall promote research and development leading to deployment of commercial data communications and telecommunications standards; and

(3) the Network shall be phased into commercial operation as commercial networks can meet the networking needs of American researchers and educators.

(e) The Network shall, to the extent practicable, provide access to electronic information resources maintained by libraries, research facilities, publishers, and affiliated organizations. To encourage use of the Network by commercial information and network service providers, where technically feasible, the Network shall have accounting mechanisms which allow, where appropriate, users or groups of users to be charged for their usage of the Network and copyrighted materials available over the Network.

(f) The Department of Defense, through the Defense Advanced Research Projects Agency, shall be lead agency for research and development of advanced fiber optics technology, switches, and protocols needed to develop the Network.

(g)(1) The Council, within one year after the date of enactment of this Act and consistent with the Plan developed under section 701 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), as added by section 4 of this Act, shall—

(A) develop goals, strategy, and priorities for the Network;

(B) identify the roles of Federal agencies and departments implementing the Network;

(C) provide a mechanism to coordinate the activities of Federal agencies and departments, States, and public and private network service providers in deploying the Network;

(D) oversee the operation and evolution of the Network;

(E) manage the connections between computer networks of Federal agencies and departments;

(F) develop conditions for access to the Network; and

(G) identify how existing and future computer networks of Federal agencies and departments could contribute to the Network.

(2) The President shall report to Congress within one year after the date of enactment of this Act on the implementation of this subsection.

(h) In addition to other agency activities associated with the establishment of the Network—

(1) the National Institute of Standards and Technology, the National Science Foundation, and the Defense Advanced Research Project Agency shall adopt a common set of standards and guidelines to provide interoperability, common user interfaces to systems, and enhanced security for the Network; and

(2) the National Science Foundation, the National Aeronautics and Space Administration, the Department of Energy, the Department of Defense, the Department of Commerce, the Department of the Interior, the Department of Agriculture, the Department of Health and Human Services, and the Environmental Protection Agency, and other agencies as appropriate, are authorized to allow recipients of Federal research grants to use grant monies to pay for computer networking expenses.

(i) Within one year after the date of enactment of this Act, the Director, through the Council, shall report to the Congress on—

(1) effective mechanisms for providing operating funds for the maintenance and use of the Network, including user fees, industry support, and continued Federal investment;

(2) plans for the eventual commercialization of the Network;

(3) how commercial information service providers could be charged for access to the Network;

(4) the technological feasibility of allowing commercial information service providers to use the Network and other federally-funded research networks;

(5) how Network users could be charged for such commercial information services;

(6) how to protect the copyrights of material distributed over the Network; and

(7) appropriate policies to ensure the security of resources available on the Network and to protect the privacy of users of networks.

SEC. 6. ROLE OF THE NATIONAL SCIENCE FOUNDATION.

(a) The National Science Foundation shall expand its traditional role in supporting basic research in universities and colleges, and in training scientists and engineers in computer science, computational science, library and information sciences, and electrical engineering. The National Science Foundation shall provide funding to enable researchers to access supercomputers. Prior to deployment of the Network, the Na-

tional Science Foundation shall maintain, expand, and upgrade its existing computer networks. Additional responsibilities may include promoting development of information services and data bases available over such computer networks; facilitation of the documentation, evaluation, and distribution of research software over such computer networks; encouragement of continued development of innovative software by industry; and promotion of science and engineering education.

(b)(1) The National Science Foundation shall, in cooperation with other appropriate agencies and departments, promote development of information services that could be provided over the Network established under section 5. These services shall include, but not be limited to, the provision of directories of users and services on computer networks, data bases of unclassified Federal data, training of users of data bases and networks, access to commercial information services to researchers using the Network, and technology to support computer-based collaboration that allows researchers around the Nation to share information and instrumentation.

(2) The Federal information services accessible over the Network shall be provided in accordance with applicable law. Appropriate protection shall be provided for copyright and other intellectual property rights of information providers and Network users, including appropriate mechanisms for fair remuneration of copyright holders for availability of and access to their works over the Network.

(c)(1) There are authorized to be appropriated to the National Science Foundation for the purposes of this Act, $46,000,000 for fiscal year 1992, $88,000,000 for fiscal year 1993, $145,000,000 for fiscal year 1994, $172,000,000 for fiscal year 1995, and $199,000,000 for fiscal year 1996.

(2) Of the amounts authorized to be appropriated under paragraph (1), there are authorized for the research, development, and support of the Network, in accordance with the purposes of section 5, $15,000,000 for fiscal year 1992, $25,000,000 for fiscal year 1993, $55,000,000 for fiscal year 1994, $50,000,000 for fiscal year 1995, and $50,000,000 for fiscal year 1996.

(3) The amounts authorized to be appropriated under this subsection are in addition to any amounts that may be authorized to be appropriated under other laws.

SEC. 7. THE ROLE OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.

(a) The National Aeronautics and Space Administration shall continue to conduct basic and applied research in high-performance computing, particularly in the field of computational science, with emphasis on aeronautics and the processing of remote sensing and space science data.

(b) There are authorized to be appropriated to the National Aeronautics and Space Administration for the purposes of this Act, $22,000,000 for fiscal year 1992, $45,000,000 for fiscal year 1993, $67,000,000 for fiscal year 1994, $89,000,000 for fiscal year 1995, and $115,000,000 for fiscal year 1996.

(c) The amounts authorized to be appropriated under subsection (b) are in addition to any amounts that are authorized to be appropriated under other laws.

SEC. 8. ROLE OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.

(a) The National Institute of Standards and Technology shall adopt standards and guidelines, and develop measurement techniques and test methods, for the interoperability of high-performance computers in networks and for common user interfaces to systems. In addition, the National Institute of Standards and Technology shall be responsible for developing benchmark tests and standards for high-performance computers and software. Pursuant to the Computer Security Act of 1987 (Public Law 100–235; 101 Stat. 1724), the National Institute of Standards and Technology shall continue to be responsible for adopting standards and guidelines needed to assure the cost-effective security and privacy of sensitive information in Federal computer systems.

(b) There are authorized to be appropriated to the National Institute of Standards and Technology for the purposes of this Act, $3,000,000 for fiscal year 1992, $4,000,000 for fiscal year 1993, $6,000,000 for fiscal year 1994, $8,000,000 for fiscal year 1995, and $10,000,000 for fiscal year 1996.

(c) The amounts authorized to be appropriated under subsection (b) are in addition to any amounts that are authorized to be appropriated under other laws.

SEC. 9. STUDY ON IMPACT OF FEDERAL PROCUREMENT REGULATIONS.

(a) The Secretary of Commerce shall conduct a study to—

(1) evaluate the impact of Federal procurement regulations which require that contractors providing software to the Federal Government share the rights to proprietary software development tools that the contractors used to develop the software; and

(2) determine whether such regulations discourage development of improved software development tools and techniques.

(b) The Secretary shall, within one year after the date of enactment of this Act, report to the Congress regarding the results of the study conducted under subsection (a).

SEC. 10. MISCELLANEOUS PROVISIONS.

(a) Except to the extent that the appropriate Federal agency or department head determines, the provisions of this Act shall not apply to—

(1) programs or activities regarding computer systems that process classified information; or

(2) computer systems the function, operation, or use of which are those delineated in paragraphs (1) through (5) of section 2315(a) of title 10, United States Code.

(b) Where appropriate, and in accordance with Federal contracting law, Federal agencies and departments shall procure prototype or early production models of new high-performance computer systems and subsystems to stimulate hardware and software development.

AMENDMENT NO. 1104

(Purpose: To make an amendment in the nature of a substitute)

Mr. GORE. Mr. President, I send to the desk a Gore, Hollings, Pressler, Johnston substitute amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. GORE], for himself, Mr. HOLLINGS, Mr. PRESSLER, Mr. JOHNSTON, Mr. WALLOP, and Mr. DOMENICI, proposes an amendment numbered 1104.

Mr. GORE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "High-Performance Computing and National Research and Education Network Act of 1991".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Advances in computer science and technology are vital to the Nation's prosperity, national and economic security, industrial production, engineering, and scientific advancement.

(2) The United States currently leads the world in the development and use of high-performance computing for national security, industrial productivity, science, and engineering, but that lead is being challenged by foreign competitors.

(3) Further research and development, expanded educational programs, improved computer research networks, and more effective technology transfer from government to industry are necessary for the United States to fully reap the benefits of high-performance computing.

(4) Several Federal agencies have ongoing high-performance computing programs, but improved interagency coordination, cooperation, and planning would enhance the effectiveness of these programs.

(5) A high-speed national research and education computer network would provide researchers and educators with access to computer and information resources and act as a test bed for further research and development of high-speed computer networks.

(6) A 1991 report entitled "Grand Challenges: High-Performance Computing and Communications" by the Office of Science and Technology Policy, outlining a research and development strategy for high-performance computing, provides a framework for a multi-agency high-performance computing program. Such a program would provide American researchers and educators with the computer and information resources they need, and demonstrate how advanced computers, high-speed networks and electronic data bases can improve the national information infrastructure for use by all Americans.

SEC. 3. PURPOSE.

The purpose of this Act is to help ensure the continued leadership of the United States in high-performance computing and its application by requiring that the United States Government—

(1) increase Federal support for research, development, and application of high-performance computing in order to—

(A) expand the number of researchers, educators, and students with training in high-performance computing and access to high-performance computing resources;

(B) establish a high-speed national research and education computer network;

(C) promote the further development of an information infrastructure of data bases, services, access mechanisms, and research facilities which are available for use through such a national network;

(D) stimulate research on software technology;

(E) promote the more rapid development and wider distribution of computer software tools and applications software;

(F) accelerate the development of computer systems and subsystems;

(G) provide for the application of high-performance computing to fundamental problems in science and engineering, with broad economic and scientific impact;

(H) invest in basic research and education; and

(I) promote greater collaboration among government, Federal laboratories, industry, and universities;

(2) authorize a high-speed national research and education computer network; and

(3) improve the interagency planning and coordination of Federal research and development on high-performance computing and maximize the effectiveness of the Federal

Government's high-performance computing efforts.

TITLE I—HIGH PERFORMANCE COMPUTING AND THE NATIONAL RESEARCH AND EDUCATION NETWORK

SEC. 101. HIGH-PERFORMANCE COMPUTING.

(a)(1) The President shall establish and, through the Director of the Office of Science and Technology Policy (hereinafter referred to as the "Director"), coordinate a National High-Performance Computing Program (hereinafter referred to as the "Program").

(2) The Program shall—

(A) establish the goals and priorities for Federal high-performance computing research, development, networking, and other activities; and

(B) provide for interagency coordination of Federal high-performance computing research, development, networking, and other activities undertaken pursuant to the Program.

(3) The Program shall provide for—

(A) oversight of the operation and evolution of the National Research and Education Network (as described under section 102 and referred to in this Act as the "Network") and the establishment of policies for the management of and access to the Network;

(B) efforts to increase software availability, productivity, capability, portability, and reliability;

(C) improved dissemination of Federal agency data and electronic information;

(D) acceleration of the development of high-performance computer systems, subsystems, and associated software;

(E) the technical support and research and development of high-performance computer software and hardware needed to address Grand Challenges;

(F) educating and training additional undergraduate and graduate students in software engineering, computer science, library and information science, and computational science; and

(G) the security requirements and policies necessary to protect Federal research computer networks and information resources accessible through Federal research computer networks.

(4) The President, through the Director, shall submit to the Congress an annual report along with the President's annual budget request, describing the implementation of the Program. The annual report shall—

(A) describe the goals and priorities of the Program, and analyze the progress made toward achieving those goals and priorities; and

(B) describe for each agency and department participating in the Program the levels of Federal funding for the fiscal year during which such report is submitted and the levels proposed for the fiscal year with respect to which the budget submission applies, for Program activities, including education, research, hardware and software development, and support for the establishment of the Network.

(5) The Director shall be provided, in a timely fashion, with an opportunity to review and comment on the budget estimate of each agency and department participating in the Program and shall identify in each annual budget submitted to the Congress under section 1105 of title 31, United States Code, those items in each agency's or department's annual budget which are elements of the Program.

(b) The President shall establish an advisory committee on high-performance computing consisting of prominent representatives from industry and academia who are specially qualified to provide the Director with advice and information on high-performance computing. The advisory committee shall provide the Director with an independent assessment of—

(1) progress made in implementing the Program;

(2) the need to revise the Program;

(3) the balance between the components of the Program; and

(4) whether the research and development undertaken pursuant to the Program is helping to maintain United States leadership in computing technology.

(c) Each Federal agency and department participating in the Program shall, as part of its annual request for appropriations to the Office of Management and Budget, submit a report to the Office of Management and Budget identifying each element of its high-performance computing activities, which—

(1) contributes directly to the Program or benefits from the Program; and

(2) states the portion of its request for appropriations that is allocated to each such element.

(d) As used in this section, the term "Grand Challenge" means a fundamental problem in science and engineering, with broad economic and scientific impact, whose solution will require the application of high-performance computing resources.

SEC. 102. NATIONAL RESEARCH AND EDUCATION NETWORK.

(a) As part of the Program established by section 101, the National Science Foundation, the Department of Defense, the Department of Energy, the Department of Commerce, the National Aeronautics and Space Administration, and other agencies participating in the Program shall support the establishment of a national multi-gigabit-per-second research and education computer network by 1996, to be known as the National Research and Education Network, to link research and educational institutions, government, and industry, in every State. Federal agencies shall work with State and local agencies, libraries, educational institutions and organizations, private network service providers, and others in order to ensure that researchers, educators, and students have access to the Network. To the extent that the private sector, state and local governments, and other Federal agencies do not connect colleges, universities, and libraries to the Network, the National Science Foundation shall have primary responsibility for connecting colleges, universities, and libraries to the Network.

(b) The Network is to provide users with appropriate access to supercomputers, electronic information resources, other research facilities, and libraries, and at the same time act as a test bed for further research and development of high-speed computer networks and demonstrate how advanced computers, high-speed computer networks, and data bases can improve the national information infrastructure.

(c) The Network shall—

(1) be developed in close cooperation with the computer, telecommunications, and information industries;

(2) be designed, developed, and operated in collaboration with potential users in government, industry, and the education community;

(3) link existing Federal and non-Federal computer networks, to the extent appropriate, in a way that allows autonomy within each component network;

(4) be designed, developed, and operated in a manner which fosters and maintains competition and private sector investment in high-speed data networking within the telecommunications industry;

(5) be designed, developed, and operated in a manner which promotes research and development leading to development of commercial data communications and telecommunications standards; and

(6) be developed by purchasing standard commercial transmission and network services from vendors whenever feasible, and by contracting for customized services when not feasible.

(d) To encourage use of the Network by commercial information service providers, where technically feasible, the Network shall be managed to cooperate with the needs of commercial sector users to develop accounting mechanisms which allow, where appropriate, users or groups of users to be charged for their usage of copyrighted materials available over the Network. The Network shall be designed and operated so as to ensure the continued application of laws that provide network and information resources security measures, including those that protect copyright and other intellectual property rights, and those that control access to data bases and protect national security.

(e) The Department of Defense, through the Defense Advanced Research Projects Agency, shall support research and development of advanced fiber optics technology, switches, and protocols needed to develop the Network.

(f) In addition to other agency activities associated with the establishment of the Network—

(1) the National Institute of Standards and Technology shall develop and propose a common set of standards and guidelines to provide interoperability, common user interfaces to systems, and security for the Network; and

(2) all Federal agencies and departments funding research are authorized to allow recipients of Federal research grants to use grant monies to pay for computer networking expenses.

(g) Within one year after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall report to the Congress on—

(1) effective mechanisms for providing operating funds for the maintenance and use of the Network, including user fees, industry support, and continued Federal investment;

(2) the future operations and evolution of the Network;

(3) how commercial information service providers could be charged for access to the Network, and how Network users could be charged for such commercial information services;

(4) the technological feasibility of allowing commercial information service providers to use the Network and other federally-funded research networks;

(5) how to protect the copyrights of material distributed over the Network; and

(6) appropriate policies to ensure the security of resources available on the Network and to protect the privacy of users of networks.

(h) The Director shall assist the President in coordinating the activities of appropriate agencies and departments to promote the development of information services that could be provided over the Network. These services may include the provision of directories of the users and services on computer networks, data bases of unclassified Federal scientific data, training of users of data bases

and computer networks, access to commercial information services for users of the Network, and technology to support computer-based collaboration that allows researchers and educators around the Nation to share information and instrumentation. The information services accessible over the Network shall be provided in accordance with applicable law. Appropriate protection shall be provided for copyright and other intellectual property rights of information providers and Network users, including appropriate mechanisms for fair remuneration of copyright holders for availability of and access to their works over the Network.

TITLE II—AGENCY ACTIVITIES

SEC. 201. NATIONAL SCIENCE FOUNDATION ACTIVITIES.

(a) The National Science Foundation shall provide computing and networking infrastructure support for all science and engineering disciplines, and shall support basic research and human resource development in computer science, computational science and engineering, library and information sciences, and computer engineering. The National Science Foundation shall provide funding to help researchers access supercomputers. Prior to deployment of the Network, the National Science Foundation shall maintain, expand, and upgrade its existing computer networks.

(b)(1) There are authorized to be appropriated to the National Science Foundation for the purposes of this Act, $46,000,000 for fiscal year 1992, $88,000,000 for fiscal year 1993, $145,000,000 for fiscal year 1994, $172,000,000 for fiscal year 1995, and $199,000,000 for fiscal year 1996.

(2) Of the amounts authorized to be appropriated under paragraph (1), there are authorized for activities in support of the Network, in accordance with the purposes of section 102, $15,000,000 for fiscal year 1992, $25,000,000 for fiscal year 1993, $55,000,000 for fiscal year 1994, $50,000,000 for fiscal year 1995, and $50,000,000 for fiscal year 1996.

(3) The amounts authorized to be appropriated under this subsection are in addition to any amounts that may be authorized to be appropriated under other laws.

SEC. 202. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ACTIVITIES.

(a) The National Aeronautics and Space Administration shall continue to conduct basic and applied research in high-performance computing, particularly in the field of computational science, with emphasis on aeronautics and the processing of remote sensing and space science data.

(b)(1) There are authorized to be appropriated to the National Aeronautics and Space Administration for the purposes of this Act $22,000,000 for fiscal year 1992, $45,000,000 for fiscal year 1993, $67,000,000 for fiscal year 1994, $89,000,000 for fiscal year 1995, and $115,000,000 for fiscal year 1996.

(2) The amounts authorized to be appropriated under this subsection are in addition to any amounts that are authorized to be appropriated under other laws.

SEC. 203. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACTIVITIES.

(a) The National Institute of Standards and Technology shall develop and propose standards and guidelines, and develop measurement techniques and test methods, for the interoperability of high-performance computers in networks and for common user interfaces to systems. In addition, the National Institute of Standards and Technology shall be responsible for developing benchmark tests and standards for high-performance computers and software. Pursuant to the Computer Security Act of 1987 (Public Law 100-235; 101 Stat. 1724), the National Institute of Standards and Technology shall continue to be responsible for developing and proposing standards and guidelines needed to assure the cost-effective security and privacy of sensitive information in Federal computer systems.

(b)(1) There are authorized to be appropriated to the National Institute of Standards and Technology for the purposes of this Act $3,000,000 for fiscal year 1992, $4,000,000 for fiscal year 1993, $6,000,000 for fiscal year 1994, $8,000,000 for fiscal year 1995, and $10,000,000 for fiscal year 1996.

(2) The amounts authorized to be appropriated under this subsection are in addition to any amounts that are authorized to be appropriated under other laws.

SEC. 204. DEPARTMENT OF ENERGY ACTIVITIES.

(A) The Secretary of Energy shall—

(1) perform research and development on, and systems evaluations of, high-performance computing and communications systems;

(2) conduct computational research with emphasis on energy applications;

(3) support basic research, education, and human resources in computational science; and

(4) provide for networking infrastructure support for energy-related mission activities.

(b) The Secretary of Energy shall establish two High-Performance Computing Research and Development Collaborative Consortia by soliciting and selecting proposals, and is authorized to establish as many more as may be needed. Each Collaborative Consortium shall—

(1) conduct research directed at scientific and technical problems whose solutions require the application of high-performance computing and communications resources;

(2) promote the testing and uses of new types of high-performance computing and related software and equipment;

(3) serve as a vehicle for computing vendors to test new ideas and technology in a sophisticated computing environment; and

(4) be led by a Department of Energy national laboratory, and include participants from Federal agencies and departments, researchers, private industry, educational institutions, and others as the Secretary of Energy may deem appropriate.

(c) The results of such research and development shall be transferred to the private sector and others in accordance with applicable law.

(d) Within one year after the date of enactment of this Act and every year thereafter, the Secretary of Energy shall transmit to the Senate and House of Representatives a report on activities taken to carry out this Act.

(e) For fiscal years 1992, 1993, 1994, 1995, and 1996 there are authorized to be appropriated such funds as may be necessary to carry out the activities authorized by this section.

SEC. 205. STUDY ON IMPACT OF FEDERAL PROCUREMENT REGULATIONS.

(a) The Secretary of Commerce shall conduct a study to—

(1) evaluate the impact of Federal procurement regulations which require that contractors providing software to the Federal Government share the rights to proprietary software development tools that the contractors used to develop the software; and

(2) determine whether such regulations discourage development of improved software development tools and techniques.

(b) The Secretary shall, within one year after the date of enactment of this Act, report to the Congress regarding the results of the study conducted under subsection (a).

SEC. 206. MISCELLANEOUS PROVISIONS.

(a) Except to the extent that the appropriate Federal agency or department head determines applicable, the provisions of this Act shall not apply to—

(1) programs or activities regarding computer systems that process classified information; or

(2) computer systems the function, operation, or use of which are those delineated in paragraphs (1) through (5) of section 2315(a) of title 10, United States Code.

(b) Federal agencies and departments, and their grantees and contractors, may acquire prototype and early production models of new high-performance computer and communications systems and subsystems, including software and related products and services, to stimulate hardware and software development.

Mr. GORE. Mr. President, this amendment to S. 272, the High-Performance Computing and National Research and Education Network Act of 1991 incorporates provisions of S. 272 as reported by the Senate Committee on Commerce, Science, and Transportation and S. 343 as reported by the Committee on Energy and Natural Resources. This bill is similar to H.R. 656, which was introduced by Congressman GEORGE BROWN and his colleagues on the House Science Committee in January and passed the House on July 11.

This bill will have a profound impact on American science, technology, and education. By ensuring that the United States maintains its lead in high-performance computing, this bill will give the United States the technology it needs to compete in world markets and create new jobs here at home. The advanced computing technology developed by this bill will help us address global warming, clean up the environment, provide more cost-effective health care, give our children better educations, and improve the way we use our nonrenewable resources.

And it will provide other benefits that we cannot even imagine. Throughout the history of civilization, technology has led to dramatic changes in society. That is particularly true of technologies that enhance our ability to create and understand information. The printing press unleashed the forces that led to the creation of the modern nation state. It made possible the widespread distribution of civic knowledge that enabled the average citizen to affect political decisions.

Today we are in the middle of similar period of profound change. Some call it the computer revolution; others, the information explosion. Computers, from personal computers to workstations to supercomputers, are empowering people all over the United States, giving them brand new ways to process information—to sort it, store it, analyze it, and display it—for use in research, education, business, everywhere.

And just as important, with computer networks, computers are now

able to communicate as well as calculate. More and more, computers are replacing telephones. Thanks to worldwide computer networks, computer users can gain access to thousands of computers and nearly unlimited volumes of electronic data. Networked computers are reshaping the world every day, from the supermarket checkout line, to the doctor's office, to our homes and offices.

But we are only halfway through this revolution. We have only begun to exploit the technological promise of computing and networking. In labs today, engineers are designing supercomputers a thousand times faster than anything available today, with a 100 times the memory. In our universities, at Bell Labs, and other industrial labs, researchers are developing high-speed computer networks that can transmit more than 10 billion bits of information each second—that's more than the entire Encyclopedia Brittanica—and there is serious talk about networks that could carry trillions of bits of data per second.

With more powerful computers and faster networks, reseachers will be able to solve previously unsolvable scientific and engineering problems. A whole new field, computational science, has been created to apply the power of supercomputing in aeronautics, meteorology, climatology, astrophysics, biochemistry, geophysics, economics, and dozens of other fields. S. 272 will provide the technology, the software, and the training needed to address problems in every field of science and technology. We are all familiar with the list of "strategic, enabling technologies"—semiconductors, biotechnology, superconductors, advanced materials, and so forth. More powerful, faster computers and networks can accelerate progress in all of these fields.

The bill before us today would roughly double the amount of Federal funding for high-performance computing research and development over the next 5 years. It would ensure that American researchers and American companies have the advanced computing tools they need to develop new technologies, new manufacturing processes, and new products. Without this bill, and the money it authorizes, it is almost certain that our foreign competitors in Japan and Europe will move ahead of us in this critically important field.

According to Dr. Allan Bromley, the President's Science Advisor, who testified before the Senate Subcommittee on Science, Technology, and Space in March, the benefits of the High-Performance Computing Program established by this bill will have an enormous impact throughout our economy. Indeed, according to a Gartner Group study commissioned by the White House Office of Science and Technology Policy, this program would lead to between $170 and $500 billion of GNP growth between now and the year 2000. That is a very impressive rate of return for a program that will cost less than $2 billion over the next 5 years.

The multiagency High-Performance Computing Program created by S. 272 would be coordinated by the White House Office of Science and Technology Policy [OSTP]. More than half a dozen different Federal agencies are developing and using high-performance computing technology, and this program will bring together the resources and talents of all of them. OSTP will work with the agencies to create and implement a Governmentwide R&D plan. It will ensure that the various agency programs add up to more than the sum of their parts by identifying synergies and unnecessary duplication between different programs. OSTP has played this role very effectively with the U.S. Global Change Research Program. Working with OMB and participating agencies, OSTP, through its Federal Coordinating Council for Science, Engineering, and Technology [FCCSET] has developed a coordinated, multiagency budget and plan for research needed to understand and monitor global warming, ozone depletion, and other global environmental problems.

S. 272 authorizes slightly more than $1 billion over the next 5 years. For fiscal years 1992–96, S. 272 authorizes a total of $650 million to the National Science Foundation, $338 million to the National Aeronautics and Space Administration, and $31 million to the National Institute for Standards and Technology. In addition, the bill authorizes such funds as may be necessary to the Department of Energy for its role in the High-Performance Computing Program. In the Defense Department authorization bill, over $200 million in fiscal year 1992 funding is authorized for the Defense Advanced Research Projects Agency's [DARPA] contribution to the program. Other agencies involved in the program include the National Oceanic and Atmospheric Administration, the Environmental Protection Agency, and the National Institute of Health, especially the National Library of Medicine. The list of agencies that will directly benefit from this program is even longer and includes the U.S. Geological Survey, the Library of Congress, and the Department of Agriculture.

There are four components to the High-Performance Computing Program: hardware, software, networking, and education and basic research. Each of these components are critical for a successful, balanced program.

Funding for development of hardware will provide for development of supercomputers far more powerful than those available. DARPA, which has provided the seed money needed for development of many of the fastest machines available today, is funding development of the so-called Teraop Machine which would be capable of over a trillion mathematical calculations per second. Such machines are essential for many defense applications, like antisubmarine warfare and designing stealth aircraft and rocket engines. Of course, more powerful supercomputers will find application throughout the research community and industry as well.

The largest portion of the funding for the High-Performance Computing Program will go for development of high-performance computing software. Clearly, the fastest computer in the world is useless without efficient, versatile software. Today, the speed of many of the fastest, massively parallel supercomputers is limited not by the speed of their computer chips, but by the software. By improving the software used on a particular supercomputer, in some cases researchers have been able to cut the computing time for a given problem by 90 percent or more. Good software can mean the difference between waiting days for an answer or getting the answer overnight.

Much of the money for software development will go for applications software needed to effectively apply the power of supercomputing. NASA, the National Science Foundation, National Oceanic and Atmospheric Administration, and the Department of Energy have been at the forefront in funding the development of the supercomputer software needed for predicting weather; modeling advanced materials, like superconductors; reducing air pollution; improving engine combustion; designing better aircraft, spacecraft, and ships; and manufacturing better semiconductor chips. Solving any one of these problems would provide enormous economic benefits that could far outweigh the entire cost of the High-Performance Computing Program. Such is the economic leverage provided by this technology.

The third component of the High-Performance Computing Program is education and basic research. This is a key component because without people trained to use supercomputing technology, the program cannot succeed. Today there is a critical shortage of computer scientists and engineers trained to develop new supercomputer hardware and software and of computational scientists capable of applying it to scientific, engineering, and economic problems. The field of supercomputing is so new that there has just not been time to train the thousands of people needed to apply supercomputing everywhere it might be used. As documented in a recently completed GAO report, this shortage is a particular concern in industry where supercomputing is saving U.S. companies millions of dollars a month, but

where there are just not enough qualified people to go around.

The fourth component of the program is the National Research and Education Network [NREN] which is the part of the bill which has gotten most of the attention. The bill authorizes at least $195 million to the National Science Foundation for deployment of a national computer network capable of transmitting information at gigabits—billions of bits—per second. In addition, DARPA, NASA, DOE, and other agencies will contribute to developing the technology needed for the NREN and to funding the NREN.

It is not surprising that this portion of the bill has gotten the most attention since it will revolutionize the way research is done in the United States and accelerate the deployment of a truly national high-speed fiber optic network that will reach into almost every home, office, and school in the country just as the phone system does today. The NREN will be at least 30 times faster than the NSFNET, the fastest national computer network available to researchers today, and thousands of times faster than most computer networks. With a gigabit network, computer users will be able to exchange video imagery as easily as they do electronic mail today. Network users will be able to do video conferences, enabling scientists, educators, and students around the country to collaborate and learn from each other, without having to spend thousands of dollars each year on travel.

With the NREN, millions of people around the country will have access to the most powerful supercomputers. Students at a small, rural college in Tennessee will be able to tackle supercomputing problems that previously could only be done at schools like MIT and Cornell that could afford the $10 million price tag for a state-of-the-art supercomputer.

According to Dr. William Wulf, formerly head of NSF's Directorate for Computer and Information Science and Engineering, the NREN could increase the productivity of American researchers by 100, 200 percent, or more. It is easy to see why. With a high-speed network connecting libraries and labs at almost every college and university in the country, as well as our Federal laboratories, and many industrial laboratories, researchers could get instant answers to their questions. Rather than waiting days for someone to mail them magnetic tapes with the data they need, they could get it in minutes over the network. And rather than traveling around the country to use research instruments like radio telescopes, they could stay at home and collect their data by remote control.

This network could revolutionize American education as well, giving teachers new tools and new ways to inspire their students. Already, hundreds of elementary and secondary schools are linked to the NSFNET, enabling students to exchange messages with other students throughout the country and enabling teachers to share new teaching ideas with each other.

But the most important impact of the NREN, and of this entire bill, will be the impetus it gives to development and deployment of commercial high-speed networks. This bill represents a commitment to build the high-speed data highways needed for the 21st century. Without these high-speed networks we will be unable to fully realize the potential of the information age.

Unfortunately, today our telecommunication policies, which were developed for copper wire telephone networks, are hindering the development and deployment of the new fiber optic technology. There is a policy gridlock because the powerful entrenched interests that built and run our existing infrastructure resist change that might lead to new competition.

Other countries, including not only advanced nations such as Japan and Germany but also many countries in the developing work and in the former East bloc which are just now building a universal phone system, do not have this problem. If we do not break this communications gridlock, our foreign competitors could once again reap the benefits of U.S. technology while we are mired in the past.

The most effective way to break the stalemate would be to show the American people what fiber optic networks could offer them. That is what the NREN will do. It represents a demonstration project which will create public demand for high-speed networks, draw in private-sector investment in this technology, and create pressure to clear away the obsolete policies that are hindering the deployment of these networks. Already, networks like the NSFNET are serving as a catalyst, sparking the creation and linking of thousands of computer networks, operated by State and local governments, nonprofit and for-profit corporations, universities, and others, to the federally funded NSFNET "backbone."

The NREN will be the prototype for a network which will be as ubiquitous and as easy-to-use as the phone system is today, and probably not much more expensive. Such a network will be able to deliver HDTV programming, provide for teleconferencing, link your computer to millions of computers around the country, give you access to huge "digital libraries" of information, and deliver services we cannot yet imagine.

S. 272 is really only the first step. It will develop and demonstrate the technology. There is still much to be done in the areas of telecommunications policy, computer security, copyright law, and computer privacy, before the dream of a truly universal, high-speed network becomes a reality. But this is a dream we must fulfill. The economic well-being of our country depends upon it.

This is a very important bill, one that will provide huge benefits to Americans everywhere. Not surprisingly, it has broad support, from researchers, educators, librarians, and businessmen. The computer industry, the telecommunications industry, the electronic information industry, and hundreds of high-technology companies in other sectors are united behind this bill.

Here in Congress, Senators HOLLINGS, DANFORTH, and PRESSLER, on the Commerce Committee, and Senators JOHNSTON, DOMENICI, and WALLOP on the Energy Committee, have helped refine this legislation and shape the High-Performance Computing Program. Their help and support has been matched by the efforts of Representatives BROWN, WALKER, BOUCHER, and VALENTINE on the Science Committee, which passed their version of this bill, H.R. 656, in July. I thank them and my colleagues for their support of this legislation and hope that we can move quickly to reconcile the relatively small differences between this bill and the House version.

Mr. HOLLINGS. Mr. President, I am very pleased to see the High-Performance Computing and National Research and Education Network Act of 1991 come before the full Senate. This is an important piece of legislation, which will help improve the coordination of the Federal Government's diverse computer research and development [R&D] programs.

After World War II, the United States made a conscious decision not to create a single large department of science and technology. Instead, each major department was allowed to develop its own R&D programs, and a separate National Science Foundation was created to support university basic research. This decentralized approach had many advantages, but it also led to problems of duplication and inadequate coordination. In particular, we saw problems coordinating agencies so that they could focus their resources and talents to meet specific national needs, from earthquake hazard reduction to high-performance computing.

How can we best deal with this problem? Well, Harry Truman faced a similar problem in the national security field. As the Soviets began the cold war, Truman found himself receiving conflicting advice from the agencies. The State Department would say one thing, the Army another, and so forth. So he put his top people into a room in the White House basement and told them to come up with two or three clear options for each major issue and to develop plans for implementing whichever option he chose. That was the beginning of the National Security

Council, the mechanism Presidents still use to coordinate interagency activities in the areas of foreign policy and defense.

In 1976, legislation created the Office of Science and Technology Policy [OSTP] and the Federal Coordinating Council for Science, Engineering, and Technology [FCCSET]. The idea was similar to the NSC—to create a White House mechanism that would not change the authority of individual departments and agencies but would provide coordinated advice to the President. During this same period, the Commerce Committee also worked with the administration to create interagency programs in two important fields—earthquake hazard reduction and climate research and prediction.

In the late 1980's, with encouragement from the Commerce Committee and the House Science Committee, OSTP, the Office of Management and Budget [OMB], and major Federal R&D agencies began establishing formal interagency programs in other important areas of science and technology—particularly global change research and high-performance computing. OMB conducted "budget crosscuts" to identify what each agency was spending in these areas, so as to provide better information on existing programs. Through FCCSET, the departments and agencies identified major needs and opportunities and ways in which they could cooperate to advance their common agenda. Two impressive interagency plans resulted.

We on the Commerce Committee strongly encouraged and supported these efforts, and we saw legislation as a way to codify these new interagency efforts and express congressional support for them. In 1988 I introduced what became the Global Change Research Act of 1990. It directed the President, through FCCSET's Committee on Earth and Environmental Sciences, to develop a National Global Change Research Plan to implement a U.S. global change research program. Congress and the administration have now agreed on a sound, effective interagency program in this important area of science.

In the early 1980's, while still a House Member, our distinguished colleague, Senator GORE, began urging Congress and successive administrations to think about how best to develop and apply revolutionary new technologies in computer networking and other aspects of high-performance computing. The Federal Government has long supported research in both universities and government laboratories, and Senator GORE saw early on that both supercomputers and information highways connecting them with users would be very powerful research tools. In 1986, soon after he had joined the Senate and the Commerce Committee, he authored a provision which directed OSTP to "undertake a study of critical problems and future options regarding communications networks for research computers, including supercomputers, at universities and Federal research facilities in the United States."

OSTP responded in November 1987 with an imaginative proposal for a major interagency initiative in high-performance computing, covering not only networking but also related issues in computer hardware and software.

Mr. President, the high-performance computing program and this legislation to codify it represent an effective way for executive agencies, the White House, and Congress to work together to create sound, effective national program in key areas of science and technology. Just as Harry Truman created the NSC process to bring coordination and focus to national security policy, OSTP-coordinated efforts can bring coordination and focus to R&D policy.

I want to see more of this kind of coordination, which is why I, Senator GORE, Senator BINGAMAN, and Senator NUNN recently introduced two bills, S. 1329 and S. 1327, which would require computer-type interagency plans or "road maps" for other critical technologies. Two years ago, with my support, Senator BINGAMAN authored legislation that created through OSTP a National Critical Technologies Panel to identify the technologies most important to this Nation's economic and military future. That Panel produced an excellent report in March. Now is the time not only to pass the high-performance computing legislation but also to get on with the urgent task of ensuring that Federal R&D is focused in ways that meet the Government's needs and the country's needs in these critical technical areas.

Mr. President, in closing I commend the people who have created this legislation and the high-performance computing program. Senator GORE and the cosponsors of this bill deserve great credit, as do the distinguished chairman of the House Science Committee, Mr. BROWN, and his colleagues. OSTP and OMB, as well as the agencies themselves, have worked hard to craft an excellent program. Leaders from the computer industry provided a great deal of valuable input. I also commend Dr. Paul Huray, senior vice president of the University of South Carolina. As an OSTP consultant, Paul did much to create the high-performance computing program. We are proud of his contributions to this important national initiative.

This is an excellent bill, and I urge our colleagues to support it.

Mr. WALLOP. Mr. President, I rise in support of the High-Performance Computing and National Research and Education Network Act of 1991, which is contained in both S. 272 and H.R. 656, as amended.

The High-Performance Computing and National Research and Education Network Act of 1991 is a melding of the bills reported earlier this year by the Committee on Energy and Natural Resources and the Committee on Commerce, Science, and Transportation. These two committees have worked long, hard, and cooperatively to combine the best of the committee-reported bills and the result, which is now before the Senate, is a good one.

The pending legislation is vitally important to the United States because high-performance computing and networking has become essential to defense activities, to scientific advancement, to product design, and to manufacturing.

Although the United States currently leads the world in the development and use of high-performance computers, that lead is being challenged by foreign competitors. Thus, it is important that the executive branch develop and implement, through generic authorizing legislation, an appropriate Federal role in the promotion of high-performance computing and networking. Unless we do so, our defense posture will be weakened, scientific advancements will shift abroad, and our industrial output will not be competitive in the world marketplace.

The legislation now pending before the Senate, S. 272 and H.R. 656 as amended, arise out of legislation reported by the Committee on Energy and Natural Resources (S. 343; Rept. No. 102–64) and by the Committee on Commerce, Science, and Transportation (S. 272; Rept. No. 102–57). These bills are the product of a joint effort by the Energy Committee and the Commerce Committee, who both have jurisdiction over the matters contained in the amendment. Accordingly, the legislative histories of both bills are to be considered when interpreting the intent of this act.

I would like to make a few comments on certain aspects of this legislation.

The legislation establishes a 5-year Federal high-performance computing program which consists of three key elements: First, a requirement that the President establish goals and priorities for Federal high-performance computing research and development; second, a requirement that the President provide for interagency coordination of Federal high-performance computing research and development; and third, the creation of a high-performance computer network, referred to in the legislation as the National Research and Education Network. The legislation also contains several miscellaneous provisions requiring certain Federal departments to undertake activities related to the high-performance computing program, but which are not necessarily part of it.

Perhaps the most significant feature of the legislation are the provisions which give the President, not any particular Federal agency, responsibility

for the Federal high-performance computing program established by the legislation.

Like S. 343, as reported by the Energy and Natural Resources Committee, the pending legislation does not designate a specific Federal agency as a "lead agency" for any aspect of the program, as did S. 272 as introduced and reported. That is left to the President's discretion because circumstances may change and the President needs the flexibility to make changes as may be appropriate.

Assigning the President responsibility for the program is particularly necessary when the participation of many Federal agencies is required. At a minimum, the program will involve the Department of Energy, the Department of Defense, the National Aeronautics and Space Administration, the National Science Foundation, the Department of Commerce, the Environmental Protection Agency, and the National Institutes of Health.

Thus, within the context of the high-performance computing program established by this act, the President will retain full discretion to direct appropriate Federal agencies to undertake such activities as may be necessary to carry out the act's requirements. On the other hand, nothing in the act prevents the President from delegating responsibility for part or all of the program to any Federal agency. Thus, the act gives the President the authority and flexibility necessary to implement the high-performance computing program in the most effective and efficient manner.

As used in the legislation the term "high-performance computing" is intended to refer to high-performance computers, high-performance computer software, and computer networks with high rates of data transmission. Thus, for example, the requirement that the Secretary of Energy "perform research and development on, and systems evaluations of, high-performance computing and communications systems" (sec. 204) is to be read in the broadest possible manner.

The provision which gives the Director of the Office of Science and Technology Policy [OSTP] "an opportunity to review and comment on the budget of each agency and department participating in the program and shall identify in each annual budget submitted to the Congress * * * those items in each agency's or department's annual budget which are elements of the program." (Sec. 101(a)(5)) is not intended to modify or affect in any way the existing budget process; it merely gives the OSTP Director an "opportunity" to review and comment within the internal administration budget process.

The legislation also establishes an advisory committee to provide advice to the OSTP Director on the high-performance computing program. Nothing in this section precludes the use of an existing advisory committee to satisfy this requirement.

The legislation has a requirement that Federal agencies participating in the high-performance computing program to support the establishment of a national multi-gigabit-per-second research and education computer network by 1996—called the National Research and Education Network or NREN—section 102. Obviously, the 1996 date is merely a target date, and the requirement that these agencies "support the establishment" of the NREN is subject to existing agency mission requirements and, of course, is subject to appropriations.

The legislation's requirement that the NREN link research and educational institutions, government, and industry "in every State" is to be taken as a goal of the legislation, not a requirement to be read literally—section 102(a). Similarly, the requirement that "Federal agencies shall work with State and local agencies, libraries, educational institutions and organizations, private network service providers, and others in order to ensure that researchers, educators, and students have access to the Network" is a goal of the legislation; the word "ensure" in this phrase is not a requirement to be read literally—section 102(a).

The NREN created by this legislation is intended to enable government, industry, researchers, the higher education community, and others to link together on a computer network in order to exchange information and data. Although Federal agencies can connect agency-owned or leased networks to the NREN—and even make them part of the NREN—they will retain the full discretion to correct or disconnect as may be required by agency mission requirements, or for other considerations. Thus, even if an agency's network becomes the sole means by which others are able to access the NREN, the agency will retain full discretion to disconnect from the NREN notwithstanding now it may affect the other NREN users.

Although the legislation directs the Department of Defense, through the Defense Advanced Research Projects Agency [DARPA], to support research and development of advanced fiber optics technology, switches, and protocols needed to develop the network, this provision is not to be read as giving DARPA an exclusive role within the Federal Government for this type of research and development; nor is this provision to be read as giving DARPA a "lead" role—section 102(e). It simply directs DARPA to undertake certain kinds of activities.

Section 206(b) is not intended to modify or amend existing Federal contract law. Federal contracting law will continue to apply to the procurement of all goods and services under the high-performance computing initiative, including procurement of supercomputers.

With these understandings I support the passage of the High-Performance Computing and National Research and Education Network Act of 1991.

Mr. BURNS. Mr. President, I rise today to praise the efforts of Senator AL GORE, the junior Senator from Tennessee, for his leadership and determination which resulted in passage of S. 272, the high performance computing bill, which I cosponsored.

For almost 15 years, Senator GORE has been working to change Federal policy so that as a nation we will invest in the critical infrastructure of information superhighways. The bill provides for developmental costs of $390 million in Federal funds over the next 5 years for the National Research and Education Network [NREN]. This represents less than 1 percent of Federal research and development expenditures, yet this network could greatly enhance the productivity and value of the other 99 percent of the research and education dollars we spend.

This national backbone network, represents a demonstration project that should build public support and influence public policy. As Senator GORE has stated, passage of this bill will act as an electronic battering ram to knock down obsolete policies and outdated skepticism. The NREN will rapidly develop enormous demand for the new information services its high capacity will make possible. It will link the hundreds of computer networks, operated by State and local governments, non-profit and for-profit corporations, universities and others, to a federally funded "backbone" network capable of transmitting billions of bits of data per second.

While Federal funding for the national network will ensure that we do not end up with a balkanized system consisting of many incompatible parts, this national network will not be controlled or run by a single entity. Hundreds of different players will be able to connect their own networks to this one.

While I am quite pleased by passage of this important measure, it is but a first step in establishing a communications network that will be essential to our country during the Information Age of the 21st century. Linking supercomputers is only a small first step in forging a much larger information chain that will give all Americans equal access to information. The next step is the creation of a commercial, ubiquitous fiber optic system that reach into every home, school, health care center, and business in America by the year 2015.

To that end, I authored, along with Senator GORE, S. 1200, The Communications Competitiveness and Infrastructure Modernization Act of 1991. S. 1200

would make it possible for all Americans to have fully interactive "telecomputers" that can receive, process, store and transmit full motion video, graphic images, voice and data simultaneously. Americans will be able to summon the best teachers and professors, doctors and nurses, and performers and entertainers any where in the world instantly, or originate and transmit programs of their own.

The more rapid deployment of a broadband communications infrastructure to every business, educational and health care institution, and home in America will fundamentally improve the United States international competitiveness in the Information Age. Our foreign competitors in the Pacific rim and European Community are marshalling their resources and pushing ahead aggressively with communications infrastructure modernization with the expectation that their massive investments will be recovered by selling the related technology abroad.

The more rapid deployment of a broadband communications infrastructure will stimulate the development of American technology for domestic use and for export abroad and will help ensure that the United States is not forced to import broadband communications systems and export the jobs to develop and manufacture the related technology. Such networks will enhance the ability of all-sized businesses to compete on a nationwide and global basis, thus ensuring America's place as an economic world leader.

Such an infrastructure will improve the ability to transfer information-intensive business tasks to rural areas, which are much in need of economic stimulation; will reduce personal and business travel through video conferencing, enabling employees to work at home and easing congestion in urban areas, and reducing the United States reliance on foreign sources of oil; and will bring educational opportunities to children and adults in all areas in all areas of the country through two-way interactive video education and training.

Such an infrastructure also will improve access to affordable health care through the transmission of medical imaging and diagnostics; will enable the elderly, through daily monitoring of their well-being, to remain at home longer rather than being prematurely forced into a medical care facility; and will permit disabled Americans, and individuals who are for one reason or another bound to the home, to actively participate in the workforce.

A nationwide, broadband communications system available to all Americans by the year 2015 will, in short, propel America into the Information Age of the 21st century by making our domestic economy robust through the availability of advanced communications technologies and services to all businesses, by ensuring America's position in the global information economy remains unrivaled, and by securing for our citizens a quality of life unparalleled in our previous history.

I look forward to hearings in the Communications Subcommittee this fall on S. 1200 and look forward to working with my colleagues on the Commerce Committee in developing a consensus on this issue of critical importance to America's future.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1104) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "High-Performance Computing and National Research and Education Network Act of 1991".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Advances in computer science and technology are vital to the Nation's prosperity, national and economic security, industrial production, engineering, and scientific advancement.

(2) The United States currently leads the world in the development and use of high-performance computing for national security, industrial productivity, science, and engineering, but that lead is being challenged by foreign competitors.

(3) Further research and development, expanded educational programs, improved computer research networks, and more effective technology transfer from government to industry are necessary for the United States to fully reap the benefits of high-performance computing.

(4) Several Federal agencies have ongoing high-performance computing programs, but improved interagency coordination, cooperation, and planning would enhance the effectiveness of these programs.

(5) A high-speed national research and education computer network would provide researchers and educators with access to computer and information resources and act as a test bed for further research and development of high-speed computer networks.

(6) A 1991 report entitled "Grand Challenges: High-Performance Computing and Communications" by the Office of Science and Technology Policy, outlining a research and development strategy for high-performance computing, provides a framework for a multi-agency high-performance computing program. Such a program would provide American researchers and educators with the computer and information resources they need, and demonstrate how advanced computers, high-speed networks, and electronic data bases can improve the national information infrastructure for use by all Americans.

SEC. 3. PURPOSE.

The purpose of this Act is to help ensure the continued leadership of the United States in high-performance computing and its applications by requiring that the United States Government—

(1) increase Federal support for research, development, and application of high-performance computing in order to—

(A) expand the number of researchers, educators, and students with training in high-performance computing and access to high-performance computing resources;

(B) establish a high-speed national research and education computer network;

(C) promote the further development of an information infrastructure of data bases, services, access mechanisms, and research facilities which are available for use through such a national network;

(D) stimulate research on software technology;

(E) promote the more rapid development and wider distribution of computer software tools and applications software;

(F) accelerate the development of computer systems and subsystems;

(G) provide for the application of high-performance computing to fundamental problems in science and engineering, with broad economic and scientific impact;

(H) invest in basic research and education; and

(I) promote greater collaboration among government, Federal laboratories, industry, and universities;

(2) authorize a high-speed national research and education computer network; and

(3) improve the interagency planning and coordination of Federal research and development on high-performance computing and maximize the effectiveness of the Federal Government's high-performance computing efforts.

TITLE I—HIGH-PERFORMANCE COMPUTING AND THE NATIONAL RESEARCH AND EDUCATION NETWORK SEC. 101. HIGH-PERFORMANCE COMPUTING.

(a)(1) The President shall establish and, through the Director of the Office of Science and Technology Policy (hereinafter referred to as the "Director"), coordinate a National High-Performance Computing Program (hereinafter referred to as the "Program").

(2) The Program shall—

(A) establish the goals and priorities for Federal high-performance computing research, development, networking, and other activities; and

(B) provide for interagency coordination of Federal high-performance computing research, development, networking, and other activities undertaken pursuant to the Program.

(3) The Program shall provide for—

(A) oversight of the operation and evolution of the National Research and Education Network (as described under section 102 and referred to in this Act as the "Network") and the establishment of policies for the management of and access to the Network;

(B) efforts to increase software availability, productivity, capability, portability, and reliability;

(C) improved dissemination of Federal agency data and electronic information;

(D) acceleration of the development of high-performance computer systems, subsystems, and associated software;

(E) the technical support and research and development of high-performance computer software and hardware needed to address Grand Challenges;

(F) educating and training additional undergraduate and graduate students in software engineering, computer science, library and information science, and computational science; and

(G) the security requirements and policies necessary to protect Federal research computer networks and information resources accessible through Federal research computer networks.

(4) The President, through the Director, shall submit to the Congress an annual report along with the President's annual budget request, describing the implementation of the Program. The annual report shall—

(A) describe the goals and priorities of the Program, and analyze the progress made toward achieving those goals and priorities; and

(B) describe for each agency and department participating in the Program the levels of Federal funding for the fiscal year during which such report is submitted and the levels proposed for the fiscal year with respect to which the budget submission applies, for Program activities, including education, research, hardware and software development, and support for the establishment of the Network.

(5) The Director shall be provided, in a timely fashion, with an opportunity to review and comment on the budget estimate of each agency and department participating in the Program and shall identify in each annual budget submitted to the Congress under section 1105 of title 31, United States Code, those items in each agency's or department's annual budget which are elements of the Program.

(b) The President shall establish an advisory committee on high-performance computing consisting of prominent representatives from industry and academia who are specially qualified to provide the Director with advice and information on high-performance computing. The advisory committee shall provide the Director with an independent assessment of—

(1) progress made in implementing the Program;

(2) the need to revise the Program;

(3) the balance between the components of the Program; and

(4) whether the research and development undertaken pursuant to the Program is helping to maintain United States leadership in computing technology.

(c) Each Federal agency and department participating in the Program shall, as part of its annual request for appropriations to the Office of Management and Budget, submit a report to the Office of Management and Budget identifying each element of its high-performance computing activities, which—

(1) contributes directly to the Program or benefits from the Program; and

(2) states the portion of its request for appropriations that is allocated to each such element.

(d) As used in this section, the term "Grand Challenge" means a fundamental problem in science and engineering, with broad economic and scientific impact, whose solution will require the application of high-performance computing resources.

SEC. 102. NATIONAL RESEARCH AND EDUCATION NETWORK.

(a) As part of the Program established by section 101, the National Science Foundation, the Department of Defense, the Department of Energy, the Department of Commerce, the National Aeronautics and Space Administration, and other agencies participating in the Program shall support the establishment of a national multi-gigabit-per-second research and education computer network by 1996, to be known as the National Research and Education Network, to link research and educational institutions, government, and industry, in every State. Federal agencies shall work with State and local agencies, libraries, educational institutions and organizations, private network service providers, and others in order to ensure that researchers, educators, and students have access to the Network. To the extent that the private sector, state and local governments, and other Federal agencies do not connect colleges, universities, and libraries to the Network, the National Science Foundation shall have primary responsibility for connecting colleges, universities, and libraries to the Network.

(b) The Network is to provide users with appropriate access to supercomputers, electronic information resources, other research facilities, and libraries, and at the same time act as a test bed for further research and development of high-speed computer networks and demonstrate how advanced computers, high-speed computer networks, and data bases can improve the national information infrastructure.

(c) The Network shall—

(1) be developed in close cooperation with the computer, telecommunications, and information industries;

(2) be designed, developed, and operated in collaboration with potential users in government, industry, and the education community;

(3) link existing Federal and non-Federal computer networks, to the extent appropriate, in a way that allows autonomy within each component network;

(4) be designed, developed, and operated in a manner which fosters and maintains competition and private sector investment in high-speed data networking within the telecommunications industry;

(5) be designed, developed, and operated in a manner which promotes research and development leading to development of commercial data communications and telecommunications standard; and

(6) be developed by purchasing standard commercial transmission and network services from vendors whenever feasible, and by contracting for customized services when not feasible.

(d) To encourage use of the Network by commercial information service providers, where technically feasible, the Network shall be managed to cooperate with the needs of commercial sector users to develop accounting mechanisms which allow, where appropriate, users or groups of users to be charged for their usage of copyrighted materials available over the Network. The Network shall be designed and operated so as to ensure the continued application of laws that provide network and information resources security measures, including those that protect copyright and other intellectual property rights, and those that control access to data bases and protect national security.

(e) The Department of Defense, through the Defense Advanced Research Projects Agency, shall support research and development of advanced fiber optics technology, switches, and protocols needed to develop the Network.

(f) In addition to other agency activities associated with the establishment of the Network—

(1) the National Institute of Standards and Technology shall develop and propose a common set of standards and guidelines to provide interoperability, common user interfaces to systems, and security for the Network; and

(2) all Federal agencies and departments funding research are authorized to allow recipients of Federal research grants to use grant monies to pay for computer networking expenses.

(g) Within one year after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall report to the Congress on—

(1) effective mechanisms for providing operating funds for the maintenance and use of the Network, including user fees, industry support, and continued Federal investment;

(2) the future operation and evolution of the Network;

(3) how commercial information service providers could be charged for access to the Network, and how Network users could be charged for such commercial information services;

(4) the technological feasibility of allowing commercial information service providers to use the Network and other federally-funded research networks;

(5) how to protect the copyrights of material distributed over the Network; and

(6) Appropriate policies to ensure the security of resources available on the Network and to protect the privacy of users of networks.

(h) The Director shall assist the President in coordinating the activities of appropriate agencies and departments to promote the development of information services that could be provided over the Network. These services may include the provision of directories of the users and services on computer networks, data bases of unclassified Federal scientific data, training of users of data bases and computer networks, access to commercial information services for users of the Network, and technology to support computer-based collaboration that allows researchers and educators around the Nation to share information and instrumentation. The information services accessible over the Network shall be provided in accordance with applicable law. Appropriate protection shall be provided for copyright and other intellectual property rights of information providers and Network users, including appropriate mechanisms for fair remuneration of copyright holders for availability of and access to their works over the Network.

TITLE II—AGENCY ACTIVITIES

SEC. 201. NATIONAL SCIENCE FOUNDATION ACTIVITIES.

(a) The National Science Foundation shall provide computing and networking infrastructure support for all science and engineering disciplines, and shall support basic research and human resource development in computer science, computational science and engineering, library and information sciences, and computer engineering. The National Science Foundation shall provide funding to help researchers access supercomputers. Prior to deployment of the Network, the National Science Foundation shall maintain, expand, and upgrade its existing computer networks.

(b)(1) There are authorized to be appropriated to the National Science Foundation for the purposes of this Act, $46,000,000 for fiscal year 1992, $88,000,000 for fiscal year

1993, $145,000,000 for fiscal year 1994, $172,000,000 for the fiscal year 1995, and $199,000,000 for fiscal year 1996.

(2) Of the amounts authorized to be appropriated under paragraph (1), there are authorized for activities in support of the Network, in accordance with the purposes of section 102, $15,000,000 for fiscal year 1992, $25,000,000 for fiscal year 1993, $55,000,000 for fiscal year 1994, $50,000,000 for fiscal year 1995, and $50,000,000 for fiscal year 1996.

(3) The amounts authorized to be appropriated under this subsection are in addition to any amounts that may be authorized to be appropriated under other law.

SEC. 202. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ACTIVITIES.

(a) The National Aeronautics and Space Administration shall continue to conduct basic and applied research in high-performance computing, particularly in the field of computational science, with emphasis on aeronautics and the processing of remote sensing and space science data.

(b)(1) There are authorized to be appropriated to the National Aeronautics and Space Administration for the purposes of this Act $22,000,000 for fiscal year 1992, $45,000,000 for fiscal year 1993, $67,000,000 for fiscal year 1994, $89,000,000 for fiscal year 1995, and $115,000,000 for fiscal year 1996.

(2) The amounts authorized to be appropriated under this subsection are in addition to any amounts that are authorized to be appropriated under other laws.

SEC. 203. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACTIVITIES.

(a) The National Institute of Standards and Technology shall develop and propose standards and guidelines, and develop measurement techniques and test methods, for the interoperability of high-performance computers in networks and for common user interfaces to systems. In addition, the National Institute of Standards and Technology shall be responsible for developing benchmark tests and standards for high-performance computers and software. Pursuant to the Computer Security Act of 1987 (Public Law 100–235; 101 Stat. 1724), the National Institute of Standards and Technology shall continue to be responsible for developing and proposing standards and guidelines needed to assure the cost-effective security and privacy of sensitive information in Federal computer systems.

(b)(1) There are authorized to be appropriated to the National Institute of Standards and Technology for the purposes of this Act $3,000,000 for fiscal year 1992, $4,000,000 for fiscal year 1993, $6,000,000 for fiscal year 1994, $8,000,000 for fiscal year 1995, and $10,000,000 for fiscal year 1996.

(2) The amounts authorized to be appropriated under this subsection are in addition to any amounts that are authorized to be appropriated under other laws.

SEC. 204. DEPARTMENT OF ENERGY ACTIVITIES.

(a) The Secretary of Energy shall—

(1) perform research and development on, and systems evaluations of, high-performance computing and communications systems;

(2) conduct computational research with emphasis on energy applications;

(3) support basic research, education, and human resources in computational science; and

(4) provide for networking infrastructure support for energy-related mission activities.

(b) The Secretary of Energy shall establish two High-Performance Computing Research and Development Collaborative Consortia by soliciting and selecting proposals, and is authorized to establish as many more as may be needed. Each Collaborative Consortium shall—

(1) conduct research directed at scientific and technical problems whose solutions require the application of high-performance computing and communications resources;

(2) promote the testing and uses of new types of high-performance computing and related software and equipment;

(3) serve as a vehicle for computing vendors to test new ideas and technology in a sophisticated computing environment; and

(4) be led by a Department of Energy national laboratory, and include participants from Federal agencies and departments, researchers, private industry, educational institutions, and others as the Secretary of Energy may deem appropriate.

(c) The results of such research and development shall be transferred to the private sector and others in accordance with applicable law.

(d) Within one year after the date of enactment of this Act and every year thereafter, the Secretary of Energy shall transmit to the Senate and House of Representatives a report on activities taken to carry out this Act.

(e) For fiscal years 1992, 1993, 1994, 1995, and 1996 there are authorized to be appropriated such funds as may be necessary to carry out the activities authorized by this section.

SEC. 205. STUDY ON IMPACT OF FEDERAL PROCUREMENT REGULATIONS.

(a) The Secretary of Commerce shall conduct a study to—

(1) evaluate the impact of Federal procurement regulations which require that contractors providing software to the Federal Government share the rights to proprietary software development tools that the contractors used to develop the software; and

(2) determine whether such regulations discourage development of improved software development tools and techniques.

(b) The Secretary shall, within one year after the date of enactment of this Act, report to the Congress regarding the results of the study conducted under subsection (a).

SEC. 206. MISCELLANEOUS PROVISIONS.

(a) Except to the extent that the appropriate Federal agency or department head determines applicable, the provisions of this Act shall not apply to—

(1) programs or activities regarding computer systems that process classified information; or

(2) computer systems the function, operation, or use of which are those delineated in paragraphs (1) through (5) of section 2315(a) of title 10, United States Code.

(b) Federal agencies and departments, and their grantees and contractors, may acquire prototype and early production models of new high-performance computer and communications systems and subsystems, including software and related products and services, to stimulate hardware and software development.

Mr. GORE. I move to reconsider and I move to table that motion.

The PRESIDING OFFICER. Without objection, it is so ordered.

The title was amended so as to read: "An act to provide for a coordinated Federal program to ensure continued United States leadership in high-performance computing, and for other purposes.

Mr. GORE. Mr. President, now that the Senate has passed the information superhighway act, I would like to thank my colleagues on both sides of the aisle for their help during a very long period of work. I first began working on this measure more than 12 years ago. As a Member of the other body. I had done research into the needs of the country for an information infrastructure and had heralded the tremendous impact the country was experiencing as a result of the computer revolution. Now, Mr. President, the advanced supercomputers that are revolutionizing the way we conduct manufacturing and research and education and a whole series of other activities are placing demands on the capability of our computer networks to transmit information.

This measure we just passed puts in place a nationwide program to build a network of superhighways for information. The measure has passed in the other body, and the measures are now substantially identical. This will be sent to the President's desk for his signature.

Although the President has expressed some objections to some details of this measure, I hope and expect the President will sign this measure. I urge the President to sign it. I want to note again the strong bipartisan support by every Member of this body for the legislation that has passed.

Mr. President, at the end of World War II, automobiles and trucks became much more commonplace. It was soon apparent that the old network of crooked and curvy two-lane highways in this country would no longer suffice for the new post war America.

In the 1950's, the interstate highway measure was proposed and enacted. Indeed, if I may make a personal reference, my father, as a Member of this body, was the sponsor of the Interstate Highway Act. I chose the 30th anniversary of that measure as the day when I first introduced this measure, because I remember vividly when the debate took place on that act. The Federal Government had a role in interstate highways because no private entity could raise the money to finance an Interstate Highway System.

But there was a leap of faith involved. Would there be enough traffic from the cars and trucks then being produced to justify an Interstate Highway System? Well, it was not much of a leap of faith, but it did require the vision that Democrats and Republicans, including the late President, Dwight Eisenhower, shared in promoting it for the country, and that measure was enacted. And the benefits have been dramatic.

We face a similar situation now, not from new cars and trucks as we did after World War II but from the rapid spread of computers, and now supercomputers. Incidentally, the supercomputers that cost $10 million today are expected to cost just a couple hundred thousand dollars a few short

years from now. The desk top computers today were the supercomputers of a few years ago.

In order to use those new machines effectively and to enable our country to gain the competitive advantages which can come from the widespread use of supercomputers, we need to be able to communicate with each other and link up these computers. But, Mr. President, this is the problem we currently face. The telephone lines which crisscross our country today can conduct communications between small, less powerful computers, but the new supercomputers overload these communications lines very quickly, and as a result we really cannot use them as they should be used.

Now, with the passage of this measure, the Nation is prepared to move forward vigorously and aggressively to put in place an Interstate Highway System of information superhighways. It also has important provisions relating to education, to the building of digital libraries, to the configuration of data bases, and to make possible the broadest possible use of this new technology.

Mr. President, I want to thank my colleagues for their support. It has been a long, 12-year effort to bring this about. I am very excited that it is happening today. I thank my colleagues for voting in favor of it.

HIGH PERFORMANCE COMPUTING AND NATIONAL RESEARCH AND EDUCATION NETWORK ACT OF 1991

Mr. GORE. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 656, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 656) to provide for a coordinated Federal research program to ensure continued Untied States leadership in high-performance computing.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. JOHNSTON. Mr. President, I rise in strong support of the High-Performance Computing and National Research and Education Network Act of 1991. Today, we are considering a substitute that represents the merger of two bills related to supercomputers—one bill reported by the Committee on Energy and Natural Resources and one reported by the Committee on Commerce, Science, and Transportation.

These two bills—S. 343, the National High-Performance Computing and Networking Act, reported by the Energy Committee and S. 272, the High-Performance Computing Act of 1991, reported by the Commerce Committee—address different aspects of this issue. The two committees have worked hard to create a single bill, and I believe it is a good final product. I believe this amendment will be offered as a substitute to H.R. 656, the High-Performance Computing Act of 1991, which passed the House on July 11.

I particularly want to thank Senator GORE for his leadership in bringing this issue before the Senate. I also wish to thank Senators HOLLINGS, DANFORTH, WALLOP, and DOMENICI who were actively involved throughout the process and contributed significantly to the final product.

The United States has lead the world in the development of high-performance computing. The technology was developed in this country and we continue to lead in this area—for now. But that lead is being challenged. Some estimate that the Japanese will dominate the supercomputer market in the 1990's. Yet, the Japanese did not enter the field of high-performance computing until 1983. Today, outside of the United States, Japan is the single biggest market for, and supplier of, supercomputers.

The United States needs an integrated, cooperative program among industry, universities, and Government in supercomputing. It has been estimated that a modest Federal investment in high-performance computing would result in a $200 to $500 billion increase to the Nation's gross national product over a 10-year period. Furthermore, such an investment will help us to meet the challenge of foreign competition. The legislation before the Senate today will get the programs in motion to make that happen.

The President in his fiscal year 1992 budget requested an increase of almost $150 million for an interagency research and development initiative called "Grand Challenges: High Performance Computing and Communications." That initiative is to be congratulated. It represents a significant step toward assuring a continued lead role for the United States in high-performance computing. But we can do more. We need a significant long-term commitment to a national high-performance computing program if this initiative is to be successful. This bill will do that. It will commit the Federal Government to a national high-performance computing initiative for 5 years. Such a commitment will significantly enhance our Nation's competitive position in the area of supercomputing.

I will now address the specific provisions of the legislation before us today. There are two titles to the act. Title I directs the President to establish a national high-performance computing program that sets out the goals and priorities for Federal high-performance computing research, development, and networking activities. The President is to coordinate the program through the Director of the Office of Science and Technology Policy—the OSTP. While the Director will identify the activities needed to be carried out under the program, the agencies themselves will actually perform the activities. Nothing in this amendment gives the OSTP the authority to direct the high-performance computing activities of any of the agencies. Nor will the OSTP be held accountable for the failure of any of the agencies to carry out the activities set out in the program. Only the agencies will be held accountable.

This approach will ensure that the Federal strategy is built on agency strengths by giving appropriate agencies the responsibilities to carry out activities in areas of demonstrated capability. It also will ensure that the strengths of the other agencies and departments are included by integrating their participation in the various areas. No agency is locked into a lead role or given primary responsibility over other agencies. As needs or agencies capabilities change, the President may realign agency roles and responsibilities.

Title I also establishes an advisory committee consisting of representatives from industry and the academic community to provide the Director with advice on the High-Performance Computing Program. This provision does not, however, require the President to create an entirely new advisory body. This provision is intended to allow the President to consider existing advisory bodies to fulfill this purpose.

Title I also establishes a multigigabit-per-second national research and education computer network. This network will link government, industry, and the academic community. Computer users at universities, Federal laboratories, and industry research centers will have access to supercomputers, computer data bases, and other research facilities. The network will be unequaled anywhere in the world.

We intend that the Federal network Act as a catalyst for a much larger effort by the Nation as a whole. As services over the network and the number of users increase, we expect that the private sector will begin to demand more and more from the network. We expect the universities and private industry will come to rely more and more on the network and will eventually be willing to fund the network itself or at least large portions of it.

Initially, Federal agencies and departments will work together to connect, expand, and upgrade their individual networks. Existing user communities of Federal networks will be expanded. New user communities will be brought into these networks. Network

speeds and capabilities will be upgraded as the results of research carried out under this legislation become fruitful. Eventually, a network operating at over a billion bits of data per second will be in place. Even then, the network will continue to grow, becoming faster and faster, and connecting more and broader user communities. It will become much like the telephone system we have in place today.

At the same time, each individual agency will be free to operate its own network to meet the specific needs and missions of that agency. To the extent an agency can contribute to the national network, it should do so. To the extent individual agency mission needs require autonomy from the national network, that autonomy is preserved.

We know that this national network can only succeed as a cooperative effort of all the interested agencies. Each of these agencies must be intimately involved in the process—now and as the network continues to develop. We do not know what the network will look like in the coming years. Technology to develop the network envisioned in this legislation is still being developed. The legislation governing the network therefore must be flexible. Instead of creating a rigid, unchangeable management structure, the legislation directs the President through the agencies to establish the network.

We understand that the President has already created a Federal Network Council to oversee the evolution, operation, and management of the network. The Council is composed of representatives from all of the Federal agencies. The Council is advised by a panel of distinguished individuals from industry, universities, and the Federal laboratories. We think, at least initially, that this is the proper way to begin the establishment of this network. As the process moves forward it may become apparent that new management mechanisms are needed. The amendment allows the President to adapt to these changes. At any point in the process the President can take a fresh look at the future of computer networks in the United States. The authority to structure the network as he sees fit provides the President with an opportunity to devise a national computer network that meets national needs, now and in the future.

The bill requires the Department of Defense, through the Defense Advanced Research Projects Agency [DARPA], to support research and development of advanced fiber optics technology, switches, and protocols needed to develop the network. This requirement is not intended, however, to create a role for DARPA in this area of research and development that is any greater than any other agency qualified to perform such research.

Title II of the amendment authorizes basic activities to be carried out under this initiative by the National Science Foundation, the National Aeronautics and Space Administration, the National Institute of Standards and Technology, and the Department of Energy. No doubt the President will recommend other activities and roles in the National High-Performance Computing Program. That would not be precluded and would, in fact, be welcomed.

Section 204 of title II is based on S. 343 as reported by the Committee on Energy and Natural Resources. Section 204 establishes for the Department of Energy a strong role in the national high-performance computing initiative set forth in title I. The Department of Energy would be one of several equals within the program under title I.

The Department of Energy has historically had a key role in high-performance computing. The Department and its laboratories are in a position to help the United States maintain its leadership, strengthen the U.S. computing industry, and encourage deployment of high-performance computing in analysis, design, concurrent engineering, and manufacturing for U.S. industry. In the past, the Department has fulfilled this role through its support of fundamental science and through the nuclear weapons research, development, and testing program. The role of the nuclear weapons development program is changing rapidly today. The Department's contributions now extend to include a much broader spectrum of activities from the human genome project to enhanced oil recovery. From these new applications the Department can continue to shape high-performance computing.

The Department's laboratories have become the world's most demanding, sophisticated, and experienced users of supercomputers. Manufacturers of high-performance computers routinely send new prototype computers to the national laboratories for testing. The laboratories help the manufacturer identify problems, find solutions for those problems, and write the unique software packages required by supercomputers.

Section 204 builds on that proven relationship. The Secretary is directed to establish collaborative consortia between its national laboratories and other Federal laboratories or agencies, educational institutions, and industry. The consortia will undertake basic research and development of high-performance computing hardware, software, and networks. The consortia will carry out research directed at scientific and technical problems that require the application of high-performance computing resources.

The final section in title II, miscellaneous provisions, makes clear that classified activities are not affected by this amendment. This section also makes clear that Federal agencies may procure prototype machines commonly referred to as paper machines.

The expansion of support for Federal high-perfomance computing activities envisioned by the bill will help extend U.S. technological leadership in high-performance computing and computer communications. This will be accomplished because a long-term Federal commitment to this initiative will reduce the uncertainties, risk, and high capital costs associated with the development of new types of high-performance computers.

The bill before the Senate today will spur gains in U.S. productivity and industrial competitiveness by making high-performance computing and networking technologies an integral part of the design and production process. The collaborative efforts advanced by this legislation between the national laboratories, universities, and the private sector will bring greater supercomputing power into the hands of many more researchers.

One of the highlights of this session for the Committee on Energy and Natural Resources was the passage of S. 343, the National High-Performance Computing and Networking Act. One of the highlights for the 102nd Congress will be the enactment of the High-Performance Computing and National Research and Education Network Act of 1991.

Mr. President, I urge my colleagues to support the substitute prepared by myself and Senator GORE and to pass this legislation.

Mr. FORD. Mr. President, I would like to join my colleagues in support of the High-Performance Computing and National Research and Education Network Act of 1991. The legislation being considered today is actually a combination of two bills. S. 343, introduced by Senator JOHNSTON, and S. 272, introduced by Senator GORE, were combined to form this amendment. I cosponsored both bills. I know that both Senator JOHNSTON and Senator GORE have worked hard on this issue to produce this compromise.

I sit with Senator GORE on the Committee on Commerce, Science, and Transportation. He has held quite a few hearings over there on his bill. Senator JOHNSTON's bill was referred to the Committee on Energy and Natural Resources and has been before the Subcommittee on Energy Research and Development, which I chair. We too have held hearings.

This is an important issue. The supercomputer industry is one of the few technologies where this country still has the lead. But that lead is slipping away. We can keep that lead with just a little more effort by the Federal Government.

So, I am pleased that the Commerce Committee and the Energy Committee have been able to put their bills together to establish such an effort. This

effort will help our supercomputer industry maintain its leadership.

I commend Senators GORE and JOHNSTON for their leadership in bringing this issue before the Senate. I urge my colleagues to support this amendment.

AMENDMENT NO. 1105

(Purpose: To make an amendment in the nature of a substitute)

Mr. GORE. Mr. President, I send to the desk the Gore-Hollings-Pressler-Johnston substitute and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. GORE], for himself, Mr. HOLLINGS, Mr. PRESSLER, Mr. JOHNSTON, Mr. WALLOP, and Mr. DOMENICI, proposes an amendment numbered 1105.

Mr. GORE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "High-Performance Computing and National Research and Education Network Act of 1991".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Advances in computer science and technology are vital to the Nation's prosperity, national and economic security, industrial production, engineering, and scientific advancement.

(2) The United States currently leads the world in the development and use of high-performance computing for national security, industrial productivity, science, and engineering, but that lead is being challenged by foreign competitors.

(3) Further research and development, expanded educational programs, improved computer research networks, and more effective technology transfer from government to industry are necessary for the United States to fully reap the benefits of high-performance computing.

(4) Several Federal agencies have ongoing high-performance computing programs, but improved interagency coordination, cooperation, and planning would enhance the effectiveness of these programs.

(5) A high-speed national research and education computer network would provide researchers and educators with access to computer and information resources and act as a test bed for further research and development of high-speed computer networks.

(6) A 1991 report entitled "Grand Challenges: High-Performance Computing and Communications" by the Office of Science and Technology Policy, outlining a research and development strategy for high-performance computing, provides a framework for a multi-agency high-performance computing program. Such a program would provide American researchers and educators with the computer and information resources they need, and demonstrate how advanced computers, high-speed networks, and electronic data bases can improve the national information infrastructure for use by all Americans.

SEC. 3. PURPOSE.

The purpose of this Act is to help ensure the continued leadership of the United States in high-performance computing and its applications by requiring that the United States Government—

(1) increase Federal support for research, development, and application of high-performance computing in order to—

(A) expand the number of researchers, educators, and students with training in high-performance computing and access to high-performance computing resources;

(B) establish a high-speed national research and education computer network;

(C) promote the further development of an information infrastructure of data bases, services, access mechanisms, and research facilities which are available for use through such a national network;

(D) stimulate research on software technology;

(E) promote the more rapid development and wider distribution of computer software tools and applications software;

(F) accelerate the development of computer systems and subsystems;

(G) provide for the application of high-performance computing to fundamental problems in science and engineering, with broad economic and scientific impact;

(H) invest is basic research and education; and

(I) promote greater collaboration among government, Federal laboratories, industry, and universities;

(2) authorize a high-speed national research and education computer network; and

(3) improve the interagency planning and coordination of Federal research and development on high-performance computing and maximize the effectiveness of the Federal Government's high-performance computing efforts.

TITLE I—HIGH-PERFORMANCE COMPUTING AND THE NATIONAL RESEARCH AND EDUCATION NETWORK

SEC. 101. HIGH-PERFORMANCE COMPUTING.

(a)(1) The President shall establish and, through the Director of the Office of Science and Technology Policy (hereinafter referred to as the "Director"), coordinate a National High-Performance Computing Program (hereinafter referred to as the "Program").

(2) The Program shall—

(A) establish the goals and priorities for Federal high-performance computing research, development, networking, and other activities; and

(B) provide for interagency coordination of Federal high-performance computing research, development, networking, and other activities undertaken pursuant to the Program.

(3) The Program shall provide for—

(A) oversight of the operation and evolution of the National Research and Education Network (as described under section 102 and referred to in this Act as the "Network") and the establishment of policies for the management of and access to the Network;

(B) efforts to increase software availability, productivity, capability, portability, and reliability;

(C) improved dissemination of Federal agency data and electronic information;

(D) acceleration of the development of high-performance computer systems, subsystems, and associated software;

(E) the technical support and research and development of high-performance computer software and hardware needed to address Grand Challenges;

(F) educating the training additional undergraduate and graduate students in software engineering, computer science, library and information science, and computational science; and

(G) the security requirements and policies necessary to protect Federal research computer networks and information resources accessible through Federal research computer networks.

(4) The President, through the Director, shall submit to the Congress an annual report along with the President's annual budget request, describing the implementation of the Program. The annual report shall—

(A) describe the goals and priorities of the Program, and analyze the progress made toward achieving those goals and proiorities; and

(B) describe for each agency and department participating in the Program the levels of Federal funding for the fiscal year during which such report is submitted and the levels proposed for the fiscal year with respect to which the budget submission applies, for Program activities, including education, research, hardware and software development, and support for the establishment of the Network.

(5) The Director shall be provided, in a timely fashion, with an opportunity to review and comment on the budget estimate of each agency and department participating in the Program and shall identify in each annual budget submitted to the Congress under section 1105 of title 31, United States Code, those items in each agency's or department's annual budget which are elements of the Program.

(b) The President shall establish an advisory committee on high-performance computing consisting of prominent representatives from industry and academia who are specially qualified to provide the Director with advice and information on high-performance computing. The advisory committee shall provide the Director with an independent assessment of—

(1) progress made in implementing the Program;

(2) the need to revise the Program;

(3) the balance between the components of the Program; and

(4) whether the research and development undertaken pursuant to the Program is helping to maintain United States leadership in computing technology.

(c) Each Federal agency and department participating in the Program shall, as part of its annual request for appropriations to the Office of Management and Budget, submit a report to the Office of Management and Budget identifying each element of its high-performance computing activities, which—

(1) contributes directly to the Program or benefits from the Program; and

(2) states the portion of its request for appropriations that is allocated to each such element.

(d) As used in this section, the term "Grand Challenge" means a fundamental problem in science and engineering, with broad economic and scientific impact, whose solution will require the application of high-performance computing resources.

SEC. 102. NATIONAL RESEARCH AND EDUCATION NETWORK.

(a) As part of the Program established by section 101, the National Science Foundation, the Department of Defense, the Department of Energy, the Department of Commerce, the National Aeronautics and Space Administration, and other agencies participating in the Program shall support the establishment of a national multi-gigabit-per-second research and education computer network by 1996, to be known as the National

Research and Education Network, to link research and educational institutions, government, and industry, in every State. Federal agencies shall work with State and local agencies, libraries, educational institutions and organizations, private network service providers, and others in order to ensure that researchers, educators, and students have access to the Network. To the extent that the private sector, state and local governments, and other Federal agencies do not connect colleges, universities, and libraries to the Network, the National Science Foundation shall have primary responsibility for connecting colleges, universities, and libraries to the Network.

(b) The Network is to provide users with appropriate access to supercomputers, electronic information resources, other research facilities, and libraries, and at the same time act as a test bed for further research and development of high-speed computer networks and demonstrate how advanced computers, high-speed computer networks, and data bases can improve the national information infrastructure.

(c) The Network shall—

(1) be developed in close cooperation with the computer, telecommunications, and information industries;

(2) be designed, developed, and operated in collaboration with potential users in government, industry, and the education community;

(3) link existing Federal and non-Federal computer networks, to the extent appropriate, in a way that allows autonomy within each component network;

(4) be designed, developed, and operated in a manner which fosters and maintains competition and private sector investment in high-speed data networking within the telecommunications industry;

(5) be designed, developed, and operated in a manner which promotes research and development leading to development of commercial data communications and telecommunications standards; and

(6) be developed by purchasing standard commercial transmission and network services from vendors whenever feasible, and by contracting for customized services when not feasible.

(d) To encourage use of the Network by commercial information service providers, where technically feasible, the Network shall be managed to cooperate with the needs of commercial sector users to develop accounting mechanisms which allow, where appropriate, users or groups of users to be charged for their usage of copyrighted materials available over the Network. The Network shall be designed and operated so as to ensure the continued application of laws that provide network and information resources security measures, including those that protect copyright and other intellectual property rights, and those that control access to data bases and protect national security.

(e) The Department of Defense, through the Defense Advanced Research Projects Agency, shall support research and development of advanced fiber optics technology, switches, and protocols needed to develop the Network.

(f) In addition to other agency activities associated with the establishment of the Network—

(1) the National Institute of Standards and Technology shall develop and propose a common set of standards and guidelines to provide interoperability, common user interfaces to systems, and security for the Network; and

(2) all Federal agencies and departments funding research are authorized to allow recipients of Federal research grants to use grant monies to pay for computer networking expenses.

(g) Within one year after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall report to the Congress on—

(1) effective mechanisms for providing operating funds for the maintenance and use of the Network, including user fees, industry support, and continued Federal investment;

(2) the future operation and evolution of the Network;

(3) how commercial information service providers could be charged for access to the Network, and how Network users could be charged for such commercial information services;

(4) the technological feasibility of allowing commercial information service providers to use the Network and other federally-funded research network;

(5) how to protect the copyrights of material distributed over the Network; and

(6) appropriate policies to ensure the security of resources available on the Network and to protect the privacy of users of networks.

(h) The Director shall assist the President in coordinating the activities of appropriate agencies and departments to promote the development of information services that could be provided over the Network. These services may include the provision of directories of the users and services on computer networks, data bases of unclassified Federal scientific data, training of users of data bases and computer networks, access to commercial information services for users of the Network, and technology to support computer-based collaboration that allows researchers and educators around the Nation to share information and instrumentation. The information services accessible over the Network shall be provided in accordance with applicable law. Appropriate protection shall be provided for copyright and other intellectual property rights of information providers and Network users, including appropriate mechanisms for fair remuneration of copyright holders for availability of and access to their works over the Network.

TITLE II—AGENCY ACTIVITIES

SEC. 201. NATIONAL SCIENCE FOUNDATION ACTIVITIES.

(a) The National Science Foundation shall provide computing and networking infrastructure support for all science and engineering disciplines, and shall support basic research and human resource development in computer science, computational science and engineering, library and information sciences, and computer engineering. The National Science Foundation shall provide funding to help researchers access supercomputers. Prior to deployment of the Network, the National Science Foundation shall maintain, expand, and upgrade its existing computer networks.

(b)(1) There are authorized to be appropriated to the National Science Foundation for the purposes of this Act, $46,000,000 for fiscal year 1992, $88,000,000 for fiscal year 1993, $145,000,000 for fiscal year 1994, $172,000,000 for fiscal year 1995, and $199,000,000 for fiscal year 1996.

(2) Of the amounts authorized to be appropriated under paragraph (1), there are authorized for activities in support of the Network, in accordance with the purposes of section 102, $15,000,000 for fiscal year 1992, $25,000,000 for fiscal year 1993, $55,000,000 for fiscal year 1994, $50,000,000 for fiscal year 1995, and $50,000,000 for fiscal year 1996.

(3) The amounts authorized to be appropriated under this subsection are in addition to any amounts that may be authorized to be appropriated under other laws.

SEC. 202. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ACTIVITIES.

(a) The National Aeronautics and Space Administration shall continue to conduct basic and applied research in high-performance computing, particularly in the field of computational science, with emphasis on aeronautics and the processing of remote sensing and space science data.

(b)(1) There are authorized to be appropriated to the National Aeronautics and Space Administration for the purposes of this Act $22,000,000 for fiscal year 1992, $45,000,000 for fiscal year 1993, $67,000,000 for fiscal year 1994, $89,000,000 for fiscal year 1995, and $115,000,000 for fiscal year 1996.

(2) The amounts authorized to be appropriated under this subsection are in addition to any amounts that are authorized to be appropriated under other laws.

SEC. 203. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACTIVITIES.

(a) The National Institute of Standards and Technology shall develop and propose standards and guidelines, and develop measurement techniques and test methods, for the interoperability of high-performance computers in networks and for common user interfaces to systems. In addition, the National Institute of Standards and Technology shall be responsible for developing benchmark tests and standards for high-performance computers and software. Pursuant to the Computer Security Act of 1987 (Public Law 100-235; 101 Stat. 1724), the National Institute of Standards and Technology shall continue to be responsible for developing and proposing standards and guidelines needed to assure the cost-effective security and privacy of sensitive information in Federal computer systems.

(b)(1) There are authorized to be appropriated to the National Institute of Standards and Technology for the purposes of this Act $3,000,000 for fiscal year 1992, $4,000,000 for fiscal year 1993, $6,000,000 for fiscal year 1994, $8,000,000 for fiscal year 1995, and $10,000,000 for fiscal year 1996.

(2) The amounts authorized to be appropriated under this subsection are in addition to any amounts that are authorized to be appropriated under other laws.

SEC. 204. DEPARTMENT OF ENERGY ACTIVITIES.

(a) The Secretary of Energy shall—

(1) perform research and development on, and systems evaluations of, high-performance computing and communications systems;

(2) conduct computational research with emphasis on energy applications;

(3) support basic research, education, and human resources in computational science; and

(4) provide for networking infrastructure support for energy-related mission activities.

(b) The Secretary of Energy shall establish two High-Performance Computing Research and Development Collaborative Consortia by soliciting and selecting proposals, and is authorized to establish as many more as may be needed. Each Collaborative Consortium shall—

(1) conduct research directed at scientific and technical problems whose solutions require the application of high-performance computing and communications resources;

(2) promote the testing and uses of new types of high-performance computing and related software and equipment;

(3) serve as a vehicle for computing vendors to test new ideas and technology in a sophisticated computing environment; and

(4) be led by a Department of Energy national laboratory, and include participants from Federal agencies and departments, researchers, private industry, educational institutions, and others as the Secretary of Energy may deem appropriate.

(c) The results of such research and development shall be transferred to the private sector and others in accordance with applicable law.

(d) Within one year after the date of enactment of this Act and every year thereafter, the Secretary of Energy shall transmit to the Senate and House of Representatives a report on activities taken to carry out this Act.

(e) For fiscal years 1992, 1993, 1994, 1995, and 1996 there are authorized to be appropriated such funds as may be necessary to carry out the activities authorized by this section.

SEC. 205. STUDY ON IMPACT OF FEDERAL PROCUREMENT REGULATIONS.

(a) The Secretary of Commerce shall conduct a study to—

(1) evaluate the impact of Federal procurement regulations which require that contractors providing software to the Federal Government share the rights to proprietary software development tools that the contractors used to develop the software; and

(2) determine whether such regulations discourage development of improved software development tools and techniques.

(b) The Secretary shall, within one year after the date of enactment of this Act, report to the Congress regarding the results of the study conducted under subsection (a).

SEC. 206. MISCELLANEOUS PROVISIONS.

(a) Except to the extent that the appropriate Federal agency or department head determines applicable, the provisions of this Act shall not apply to—

(1) programs or activities regarding computer systems that process classified information; or

(2) computer systems the function, operation, or use of which are those delineated in paragraphs (1) through (5) of section 2315(a) of title 10, United States Code.

(b) Federal agencies and departments, and their grantees and contractors, may acquire prototype and early production models of new high-performance computer and communications systems and subsystems, including software and related products and services, to stimulate hardware and software development.

The PRESIDING OFFICER. Without objection, the amendment is considered and agreed to.

The amendment (No. 1105) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 656), as amended, was passed.

Mr. GORE. Mr. President, I move to reconsider the vote by which the bill was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended so as to read: "An Act to provide for a coordinated Federal program to ensure continued United States leadership in high-performance computing, and for other purposes.".

CONCLUSION OF MORNING BUSINESS

Mr. GORE. Mr. President, at this point, I ask unanimous consent that morning business now be closed.

The PRESIDING OFFICER. Without objection, morning business is closed.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. Mr. President, I rise to speak on the Mitchell-Dole amendment to the presently pending bill. I first ask unanimous consent to be added as an original cosponsor on the Mitchell-Dole amendment to the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ADAMS. Mr. President, I rise in strong support of the amendment now before the Senate which would commit to making the Occupational Safety and Health Administration's bloodborne disease standard law. For those who care about the safety of health-care workers and of patients, this amendment represents a rational alternative to the narrow-minded and hysterical approaches to this serious public-health issue.

By mandating universal precautions, all patients and all workers will be treated as though they are potentially infectious from a bloodborne disease. OSHA estimates that this standard will prevent 220 deaths per year among health-care workers, most of whom would die from hepatitis B infection.

Much has been said in recent discussions here on the Senate floor regarding the potential for health-care workers or patients becoming infected with the HIV virus. This OSHA standard is the best method of addressing the legitimate concerns regarding potential HIV infection during invasive procedures, as well as other bloodborne diseases that occur in the health-care setting.

The Centers for Disease Control estimates that 40 health-care workers have become infected by HIV on the job. OSHA is convinced that by implementing these universal precautions, 9,000 cases of hepatitis B will be prevented, in addition to the 220 deaths from hepatitis B.

Under these universal precautions, the very procedures that protect workers also serve to protect patients. By proceeding on the assumption that all blood and bodily fluid are potentially infected with the HIV virus, or with hepatitis, B, or with any other possible bloodborne disease, we increase the safety of the medical and dental settings where 60 percent of patient contacts occur.

Mr. President, does this rational, cost-effective approach not make eminently more sense than the punitive alternative of mandatory testing, required disclosures, and possible criminal penalties? How do we serve the public interest of protecting patients and health-care providers by triggering a war of suspicion in the medical setting? I sincerely hope that by passing this amendment, we can return to an honest and rational dialog regarding a matter of vital public concern. Let us use this opportunity to stop micromanaging the American public health system from the floor of the U.S. Senate. I urge the adoption of this amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, the bill before us today is a vital bill containing funding to meet the human needs in our Nation. It, as much or more than any other legislation the Congress passes during a normal year, is the manifestation of our national commitment to compassion, fair play, and human investment—those features that set us apart as being civilized and progressive, and which have enabled our Nation to advance to its current position in the world. I want to commend the chairman of the subcommittee, the distinguished Senator from Iowa, and the members of his subcommittee, for their painstaking work on this bill. They have labored to produce a bill that cares for as many of these needs in as balanced a manner as they could, given the constraints under which they were working.

The fact of the matter, however, Mr. President, is that they began their task with one arm broken and the other arm tied behind their collective back.

The Appropriations Committee was forced to work within a budget allocation that initially was dictated by the so-called budget summit agreement reached between the Congress and the Bush administration last year. That agreement set ceilings for spending in three categories of nonentitlement pro-

grams: defense, international aid, and domestic.

Then the Appropriations Committee, in accord with the budget process, unilaterally took the discretionary cap and distributed it among the Appropriations subcommittees, including the Subcommittee on Labor, Health and Human Services, and Education.

In my judgment, Mr. President, the funding of some critical functions of Government were shortchanged in this tortuous process.

The amendment offered by the senior Senator from Colorado, with the cooperation of the distinguished chairman of the subcommittee who is managing the bill, and of which I am proud to be the principal cosponsor, seeks to address some of the most distressing of the shortcomings of this process. And it seeks to do so in a manner that, like a ship threading its way through waters dotted with obstructions, avoids going aground.

I think this amendment properly should be called the Human Investment Amendment of 1991. Very simply, the amendment increases the investment we will make in ensuring that our people—all of them, not just the privileged and the well-to-do—reach adulthood without succumbing to or being permanently disfigured or handicapped by diseases for which immunizations are available, and that they reach adulthood having achieved literacy and the capability to function successfully and productively in our society and economy.

It recognizes that, apart from the compelling reasons of humanity and compassion for assuring such an outcome, our Nation's ability to compete and retain its leadership and standard of living in a world changing with stunning speed depends to a critical degree on ensuring this outcome. Only a person who, like Rip Van Winkle, has been asleep for the past quarter century, or who, like an ostrich, buries his head in the sand and refuses to see what is happening around him, would not know that our educational system all too often is failing to produce that kind of adult. Only such a person would not know that the United States is far back in the pack of nations on such fundamental indicators of its civilization as infant mortality and childhood illness attributable to preventable disease.

The amendment before the Senate also includes funds to assist in paying for the fuel necessary to provide heat in the coldest months of the winter, when, yes, in the cities and rural areas of our Nation, people unable to afford to heat their homes freeze to death, or succumb to exposure-related illness.

Ingeniously, the amendment accomplishes these things without breaking through the budget summit domestic discretionary ceiling, or breaking through the Appropriations Committee's subcommittee allocations, either of which would subject it to points of order and virtually certain defeat.

This is not a kamikaze amendment to make rhetorical points. This is an amendment that can and should pass.

The Senator from Colorado, Mr. WIRTH, and the distinguished manager of the bill, Mr. HARKIN, have described in detail all of the amendment's components. For the sake of my colleagues, I will not seek to recover all of the ground they have covered.

I could make a long argument about whether we should reexamine the budget summit agreement—in view of the recession that continues to grip large portions of our Nation including my State of Massachusetts; in view of President Bush's refusal to exercise provisions of that summit agreement to which he was a party that permit us to provide emergency unemployment assistance to those in greatest need as a result of the recession; in view of the sweeping changes in what used to be called the Soviet Union and the Communist bloc—which on a daily if not hourly basis have been redefining the concept of world and national security and what is necessary to assure both.

And in view of the tremendous needs for positive government action—to help Americans help themselves and to join together to accomplish those things together that we cannot accomplish individually.

In my judgment, that budget summit agreement never came very close to meeting our Nation's needs. Now its failures to do so are nearly catastrophic.

But, in our system, there is a time and a place for nearly everything. Now is not the time and place for that debate.

I am pleased to give my wholehearted support to this amendment, and to urge all my colleagues to take this step with us. It may be small in the larger scheme of things. Truly, we have much, much further to go in determining, pursuing, and achieving a responsible domestic agenda. And we are going to have to accomplish that, it appears, with no help whatsoever from George Bush, who likes to refer to himself as the Education President but whose administration has offered nothing that remotely resembles a domestic agenda in its nearly 3 years in office.

Nonetheless, the contributions this amendment will make to a stronger, healthier, happier nation, and a more competitive nation, are significant.

I urge support for the amendment.

VOTE ON AMENDMENT NO. 1084

The PRESIDING OFFICER. Pursuant to the previous order, the question occurs on the Harkin-Wirth amendment No. 1084. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. SHELBY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 79, nays 21, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—79

Adams	Glenn	Moynihan
Akaka	Gore	Murkowski
Baucus	Gorton	Packwood
Bentsen	Graham	Pell
Biden	Grassley	Pressler
Bingaman	Harkin	Pryor
Bond	Hatch	Reid
Boren	Hatfield	Riegle
Bradley	Heflin	Robb
Bryan	Hollings	Rockefeller
Bumpers	Inouye	Rudman
Burdick	Jeffords	Sanford
Burns	Johnston	Sarbanes
Chafee	Kasten	Sasser
Coats	Kennedy	Seymour
Cochran	Kerrey	Shelby
Cohen	Kerry	Simon
Conrad	Lautenberg	Simpson
Cranston	Leahy	Smith
D'Amato	Levin	Specter
Daschle	Lieberman	Stevens
DeConcini	Lugar	Warner
Dodd	McCain	Wellstone
Durenberger	McConnell	Wirth
Exon	Metzenbaum	Wofford
Ford	Mikulski	
Fowler	Mitchell	

NAYS—21

Breaux	Domenici	Mack
Brown	Garn	Nickles
Byrd	Gramm	Nunn
Craig	Helms	Roth
Danforth	Kassebaum	Symms
Dixon	Kohl	Thurmond
Dole	Lott	Wallop

So the amendment (No. 1084) was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Pursuant to the previous order, the question now occurs on agreeing to amendment No. 1101. The yeas and nays have been ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that I be permitted to speak for not to exceed 2 minutes.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. Senators will clear the well. The Senator from West Virginia is entitled to be heard.

Without objection, the Senator from West Virginia may proceed as soon as the Senate is in order.

Mr. BYRD. This Senator will not proceed until there is order.

The PRESIDING OFFICER. Senators will clear the well.

Mr. DOMENICI. Mr. President, could we have order?

The PRESIDING OFFICER. Senators will retire to their seats or to the Cloakroom.

The Senate is not in order.

Mr. BYRD. Mr. President, I hope my colleagues will refrain just momentar-

ily. I want to explain my vote on the rollcall just completed, and by my explanation hopefully it will help others who voted against this amendment to explain their vote.

What the amendment does, it provides obligational authority for 1 day, the last day of the fiscal year. But the resulting outlays will come due in the ensuing year. The bills will have to be paid.

So it may look like we are getting a free ride here. And this is not the first time it has been done, I must say to the distinguished authors of the amendment. It has been done all too much. But I think we have to understand what we are doing.

Next year, when it comes to making budget allocations, whatever this amount was—be it $300 million or $400 million or whatever it is—that much is going to be already committed in outlays. Those bills are going to come due, not in the fiscal year against which the budget authority has been charged, because there is only 1 day left in that year, but in the following fiscal year.

I will be a little hard up to provide my other subcommittees, and my own subcommittee next year with the kinds of outlays that they will need. Why? Because the outlays will have already been committed by actions like the Senate has just taken in adopting the amendment.

I just want to put my subcommittee chairmen on notice, I hope I will not hear too much crying from them, those who voted for this amendment, next year when they come to me and say, "Oh, my gosh, I cannot make it on this allocation. My subcommittee will need more outlays." This is what ties the chairman's hands. He cannot allocate the outlays to the subcommittees that he would like to allocate and that they will need because the outlays will have already been committed in advance and the obligations will become due and bills have to be paid. That is why I voted against this amendment. It was an attractive amendment. And, so, to my constituents who may wonder why I voted against it, there it is on the record.

I do not say this to criticize anybody who voted for the amendment or to criticize the authors. I want the record to show why I and others voted against the amendment.

I thank all Senators for their courtesy in listening.

VOTE ON AMENDMENT NO. 1101

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the amendment No. 1101.

The yeas and nays have been ordered. The clerk will call the roll under the previous order.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—99

Adams	Fowler	Mikulski
Akaka	Garn	Mitchell
Baucus	Glenn	Moynihan
Bentsen	Gore	Murkowski
Biden	Gorton	Nickles
Bingaman	Graham	Nunn
Bond	Gramm	Packwood
Boren	Grassley	Pell
Bradley	Harkin	Pressler
Breaux	Hatch	Pryor
Bryan	Hatfield	Reid
Bumpers	Heflin	Riegle
Burdick	Helms	Robb
Burns	Hollings	Rockefeller
Byrd	Inouye	Roth
Chafee	Jeffords	Rudman
Coats	Johnston	Sanford
Cochran	Kassebaum	Sarbanes
Cohen	Kasten	Sasser
Conrad	Kennedy	Seymour
Craig	Kerrey	Shelby
Cranston	Kerry	Simon
D'Amato	Kohl	Simpson
Danforth	Lautenberg	Smith
Daschle	Leahy	Specter
DeConcini	Levin	Stevens
Dixon	Lieberman	Symms
Dodd	Lott	Thurmond
Dole	Lugar	Wallop
Domenici	Mack	Warner
Durenberger	McCain	Wellstone
Exon	McConnell	Wirth
Ford	Metzenbaum	Wofford

NAYS—1

Brown

So the amendment (No. 1101) was agreed to.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, we have made good progress. We have adopted all the committee amendments except for 14. In other words, in just the time we have been on the floor yesterday and this morning, we have adopted over 160 committee amendments. We have adopted 16 noncontroversial amendments. We had 22 colloquys inserted. We have adopted all these amendments. Now we turn to committee amendments.

We have, just for the information of Senators, a number of excepted amendments that have been excepted so that people can offer amendments. I think we have 14 excepted amendments. I am not certain that each of the Senators who wanted an exception made really wants to offer an amendment. If Senators, who excepted perhaps one of these committee amendments, do not intend to offer an amendment, I hope they will let us know. Second, those who do have amendments to offer—and I see Senator HELMS is here, and others who have amendments to offer—if they will come over, we can really, I think, perhaps move this bill through yet this afternoon.

So Senators who made exceptions, who want to offer amendments, please come to the floor and offer their amendments so we can debate them and vote on them this afternoon.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, without losing my right to the floor, I ask unanimous consent that the distinguished Senator from New Mexico be recognized for some remarks he desires to make, after which time I will resume the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me first thank the chairman and the ranking member for including in their en bloc amendments an amendment I had offered with reference to the funding of the research for mental illness and funding for PATH grants for the homeless. That amendment has been adopted. I would like to share with the Senate a few remarks regarding its importance.

First, I ask unanimous consent that my good friend, Senator RUDMAN, be added as an original cosponsor of the amendment to which I have just alluded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, this amendment is totally consistent with the Budget Act in that I have made savings elsewhere in the bill so that the moneys that I am asking the Senate to appropriate are fully offset and, thus, it is a neutral amendment with reference to the budget process. The amendment adds $57 million in budget authority and $23 million in outlays in this bill which includes about $58 billion for domestic discretionary programs.

The funding in the Domenici-Rudman amendment goes to two programs: First, Mr. President, it should come as no surprise to the Senate that the Senator from New Mexico is once again talking about more funding for the National Institute of Mental Health [NIMH]. This is the "Decade of the Brain" declared by the Congress and supported by the President of the United States. Significant research is underway at NIMH. As each day passes, more is known about how the brain functions, and how it affects our lives, in what we do, what we think and how we perform. Probably more has been learned about the brain in the last 7 or 8 years than in all of civilization. But we still have a lot of work to do.

For those who are not aware of how common mental illness is in the United States, let me give a few comparisons. Serious mental illnesses, such as schizophrenia, and bipolar diseases like serious depression and manic depression—those are the principal ones—affect many Americans. Let me suggest, for those who wonder whether or not we should put more money into mental health research, that schizophrenia is five times more common than multiple sclerosis, six times more common than insulin-dependent diabetes, 50 times more prevalent than cystic fibrosis, and 60 times more common than muscular dystrophy. I am sure everyone

has heard of these other diseases and illnesses. It might come as a real surprise, however, that there are more people mentally ill in America day by day, as I have described, relative to these other well-known illnesses.

We are finding in this research that there are many ways to help people with these serious mental illnesses. We are finding medicines that will, indeed, handle depression. We are finding medicines that will help with manic depression. In fact, we are on the way to a substantial amelioration of manic depression. Indeed, schizophrenia remains the most difficult one, but there are new chemical substances being found to treat this disease because of the great research being done.

Mr. President, in all, mental disorders will wreak havoc and despair on over 30 million adults in this country. One in every five citizens at some point in their lives will experience schizophrenia, depression, Alzheimer's disease, manic depressive illness, or anxiety disorders.

Only one-fifth of those that are actually diagnosed with a mental illness receive the treatment they need. We can only imagine how many desperate people are not diagnosed and do not get the help that they need.

Investing in research of mental illness makes good economic sense. The direct and related costs of mental disorders cost $129 billion annually.

We are beginning to find out exactly how the brain operates, and what its shortcomings are. I have asked that NIMH be funded at a level that would increase the funding substantially for mental health research, to $533.2 million in fiscal year 1992.

It seems to me that this is the least we can do. We have $40.1 million that my amendment will direct to the researchers at NIMH, $40.1 million of the $57 million. The national plan for research on schizophrenia and the brain will get additional money, as will the child and adolescent research plan, the newest research plan, which is called "Caring for People with Severe Mental Illness: A National Plan of Research to Improve Services." The amendment will allow the award of approximately 25 percent of the approved research grant proposals to keep the National Institute of Mental Health right at the forefront, and on the cutting edge of science.

Mr. President, I earnestly believe that we should fund mental health research and get started in these major new strategies to attack mental illness. I must say, however, that the remaining money, about $17 million in budget authority, goes for an equally deserving program.

Mr. President, a few years ago—and then even 18 months or so ago—everyone was concerned about the homeless. How many people used to come into our office and say: What has happened to America? We cannot do anything about the homeless.

I do not think I have heard a serious discussion about homelessness on the floor of the Senate in months. I submit that the problem has not gone away. It is just that the media is not focusing on it these days. So it is kind of out of sight, out of mind.

We also know that in the major cities of America, as many as 60 to 70 percent of the homeless people, men and women, but predominantly men, are mentally ill, or are mentally ill and suffer from mental illness along with some kind of use of drugs or alcohol. I repeat that number: Between 60 and 70 percent of the homeless people are mentally ill, or are mentally ill and abuse themselves with drugs or alcohol.

While those who worked on this bill had many, many problems to solve, I frankly believe they should have fully funded the PATH Grants Program as requested by the President. The distinguished chairman and ranking member, by accepting my amendment, are now doing that. The committee bill had underfunded the PATH Grants Program, which means pathways to aid the transition from homelessness, and essentially we have put in enough money to bring that up to the President's request of $43.1 million. This is $10 million more than the current level, and I think that is what Congress ought to do.

I am very pleased that, in fact, it is being done today. I have slightly more than a passing interest. The PATH grants came into the Congress inventory of programs as part of the McKinney Act. I take a great deal of comfort and am very pleased that it was an amendment of mine which put PATH Grants into that bill and made them a reality for the American homeless who are mentally ill. You have to have some place to treat them, care for them, some place to make sure they receive their medicines and care for their basic needs or they will be back on the streets because they are sick, and they are homeless because they are sick. This extra money for PATH Grants will, indeed, make a difference.

I do not understand why the House underfunded this program. I think maybe it is because the program is relatively new. But I hope those who accepted the amendment today will go to conference and keep at least the Senate level of funding. Most people in the Congress run around saying we ought to be helpful. They probably go home and visit the homeless centers and say we ought to be helpful. The best way to start is to fund this program so that it is getting equal treatment with other programs. If we can have almost all of the programs in this bill increased, why not PATH Grants?

I thank the chairman and ranking member for agreeing to include my amendment in its two parts as I have described it. I am sure that there are many who care for and spend a lot of energy helping the homeless in the United States who will be delighted that we are able to put in this additional amount of money.

I believe the thousands of people who are advocates of helping the mentally ill, those who are members of the various associations across this country, and members of the National Alliance for the Mentally Ill, who by definition cannot belong unless they have a current member of their family who is mentally ill or is mentally retarded—it is the largest support group in America, some 230,000 to 240,000 members—will know that by adding these research funds and by getting on with these very basic programs that the great scientists at NIMH have developed, they are, indeed, being heard.

They are being heard, and I am delighted to offer the amendment, to find it has passed, and to speak a few words before the Senate in support of what we are trying to do in these two areas—mental illness and homelessness—very difficult problems for the people of this country.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from North Carolina.

AMENDMENT NO. 1106

(Purpose: To amend title VII of the Civil Rights Act of 1964 to reflect the original intent of the authors of such Act by prohibiting preferential treatment on the basis of race, color, religion, sex, or national origin)

Mr. HELMS. Madam President, I send an amendment to the desk and ask it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1106:

At the end of the pending committee amendment add the following:

SEC. . PROHIBITION OF PREFERENTIAL TREATMENT.

Section 703(j) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2(j)) is amended to read as follows:

"(j)(1) It shall be an unlawful employment practice for any employer, employment agency, labor organization, or joint labor-management committee subject to this title to grant preferential treatment with respect to selection for, discharge from, compensation for, or the terms, conditions, or privileges of, employment or union membership to any individual or to any group on the basis of the race, color, religion, sex, or national origin of such individual or group, for any purpose, except as provided in subsection (e) or paragraph (2).

"(2) It shall not be an unlawful employment practice for any person described in paragraph (1) to establish an affirmative action program designed to recruit qualified minorities and women to expand the applicant pool of the person.".

Mr. HELMS. Madam President, back in June, on June 25, as I recall, I offered an amendment to the crime bill which would have done away with quotas in the workplace by amending title VII of the Civil Rights Act of 1964.

Shortly thereafter I picked up the August 12 edition of the New Republic. In that edition it was reported that my amendment caused a great deal of consternation within the Senate because it forced Senators, who say, when they go back home, that they oppose quotas, to take a stand up or down, for or against the practice of racial preferences. Then the New Republic went on to say that in order to force "a showdown on preferences in hiring and promotion" that Senator HELMS, of North Carolina, should accept a modification of the original amendment as offered by the distinguished Republican leader, BOB DOLE.

I think Senators may remember that the Republican leader proposed during the debate back in June that the Helms amendment contain language which permits special recruitment of minorities and women from the employers' applicant pool, which is a broadly acceptable form of affirmative action. I do not find any fault with it myself.

At that time, therefore, I agreed that Senator DOLE's modification was an important addition to my amendment but because of the objection on the other side of the aisle I was prevented from modifying the text of my amendment in accordance with the suggestion by Senator DOLE.

Madam President, the amendment at the desk contains that modification and it offers Senators the opportunity to pick up the gauntlet laid down in June by this Senator from North Carolina and the Republican leader. It is put-up-or-shut-up time on the matter of quotas.

This amendment is simple. It prevents Federal agencies and the Federal courts from interpreting title VII of the Civil Rights Act of 1964 to permit an employer to grant preferential treatment in employment to any group or individual on account of race. The pending amendment prohibits the use of racial quotas once and for all. Senators are going to get a chance to vote on that, presumably, shortly.

I do not see enough Senators on the floor to get the sufficient second for the request for the yeas and nays, but I will keep an eye on that situation and at the appropriate time I will seek the yeas and nays.

In the past few months, Madam President, just about every Member of the Senate proclaimed that he or she looks with disfavor upon quotas. I get a lot of mail in my office from States all around the country, and they have asked the questions about their Senators. They can't reconcile how their Senators vote in this Chamber with what their Senators say at home on this question of quotas. They are in absolute contradiction one to the other. That is an old game politicans play. They talk one way at home, and vote another way when they get back to Washington.

This amendment will give every Senator an opportunity to reinforce his or her statements with a clear-cut vote against quotas. I am not here on behalf of business, large, medium, or small. I am here on behalf of the working people of this country, all races, all ethnic groups, both genders, in North Carolina and outside of North Carolina. These people do not have 500 organizations trying to "protect" their civil rights. They are not organized into Washington pressure groups. They simply want to work for a living free from discrimination.

Unfortunately, Government-imposed and Government-encouraged quotas are a fact of life. We all know that. It is going on and it is in contravention of title VII as stated by Hubert Humphrey in 1964 when the Civil Rights Act was passed.

According to the June 3 edition of Newsweek magazine, a substantial number of Fortune 500 companies have very clear minority hiring "goals." I put the word "goals" in quotation marks because they are really quotas. In a survey of CEO's of the Fortune 500 companies, 72 percent acknowledge that they use some form of quota hiring system. Only 14 percent of the CEO's claim that they hire solely on the basis of merit.

Madam President, is it not interesting that the Business Roundtable has been negotiating with the professional civil rights establishment to come up with some sort of compromise civil rights bill? Madam President, for whom does the Business Roundtable speak? Surely it does not speak for the little man. As the Newsweek article suggested, these are very big businesses who regularly engage in reverse discrimination. They are interested in public relations. They are not interested in the civil rights of the individual workers across this country.

All the amendment now pending at the desk says is that from here on out employers will hire on a race-neutral basis. They can reach into the community to the disadvantaged, something all Senators, I presume, support, and they can even have businesses with 80 or 90 percent or more minority workers as long as the motivating factor in employment is not race. I will get into an example of what I mean in just a moment.

The pending amendment clarifies 703(j) of title VII of the Civil Rights Act of 1964 to make it consistent with the intent of the authors of that bill in 1964, a man named Hubert Humphrey and a man named Everett Dirksen.

Let me read it. Section 703(j) of title VII of the Civil Rights Act of 1964:

> It shall be an unlawful employment practice for any employer, employment agency, labor organization, or joint labor committee that is subject to this title to grant preferential treatment, with respect to selection, compensation, terms, conditions, or privileges of employment or union membership, to any individual or to any group of individuals on account of the race, color, religion, sex, or national origin of such individual or group for any purpose, except as provided in subsection (e) of this section.
>
> It shall not be an unlawful employment practice for any person described in paragraph (1) to establish an affirmative action program designed to recruit qualified minorities and women to expand the applicant pool of the person.

You may ask, why is this amendment necessary? I will tell you why. It is necessary because in the 27 years since the passage of the Civil Rights Act, the Federal Government, Federal bureaucrats, and the courts have corrupted the spirit of the act and created a tolerance for the very evil which Hubert Humphrey and Everett Dirksen fought so strongly against, and I am talking about racial quotas.

This amendment simply makes part (j) of section 703 of the 1964 Civil Rights Act consistent with subsections (a) and (d) of that section. It contains the identical language used in those sections to make preferential treatment on the basis of race—that is to say, quotas—an unlawful employment practice.

So, Madam President, this amendment will prevent the Federal bureaucrats from ever again terrorizing the small business people in this country with threats and fines and other penalties for not meeting some bureaucrat's vision of a proportionalized and racially correct society.

I suppose that most Senators and those watching these proceedings on C–SPAN may be familiar with the Daniel Lamp Co. episode out in Chicago. Daniel Lamp Co. is a small factory recently visited by the investigators of the Equal Employment Opportunity Commission—EEOC, as it is known around this place—back in March, and it was repeated 2 or 3 weeks ago.

CBS presented through its 60 Minutes program—by the way, 60 Minutes is not particularly known for its conservative balance—60 Minutes blew the cover off of the EEOC's attempt to impose its quota mentality on one defenseless businessman. I happen to have a tape of that broadcast in my office, and if any Senator missed it, missed seeing the absurdity on the face of the bureaucrat who tried to defend this bureaucratic action, I would be glad to show him the tape. It was stupid. Worse than that, it was dictatorial, and patently un-American.

Morley Safer, who did this segment of the 60 Minutes program, said that Daniel Lamp Co., "is guilty of not playing the numbers game."

Madam President, the EEOC found the owner of Daniel Lamp Co. to be a practitioner of racial discrimination,

and the EEOC leveled a fine of $148,000 against that tiny company that manufactures lamps in Chicago, IL. What was interesting about the charges was the fact that of the company's 28 employees, the only two that were not black or Hispanic were the owner of Daniel Lamp Co. and the owner's father. The father of the owner, by the way, is a survivor of Auschwitz. There were 18 Hispanics and 8 blacks on the payroll when 60 Minutes and Morley Safer began their investigation. They had it all on television. It was one of the more remarkable pieces of television work that I have seen. I wrote Mr. Safer a note telling him just that.

Specifically, the trouble with Daniel Lamp Co. began when one disgruntled job applicant filed an EEOC racial discrimination complaint against the Daniel Lamp Co. Therefore, what did this bureaucrat do? He raced in on his white horse and demanded the records of the company. The owner, by the way, let me emphasize, hired only minorities—Hispanics and blacks. He was proud of his work force, and he was happy to allow the Federal bureaucrat to inspect the ledger. He thought he might be commended for providing jobs for minorities. How wrong he was. He did not know how the Federal bureaucracy works.

In its investigation, CBS found that the only information the EEOC was using against Daniel Lamp Co. was the agency's computerized quota numbers. The EEOC's computer told the agency that based on the employment statistics of Chicago businesses with over 100 employees—which is a fascinating comparison, since the Daniel Lamp Co. never had more than 30 employees—EEOC contended that the Daniel Lamp Co. had to employ—now get this—8.45 blacks. Not 8, not 9, but 8.45. Exactly how they expected Daniel Lamp Co. to do that, I do not know.

In any case, if that is not a quota, it will do until a quota comes along. It sounded like a quota to Morley Safer, who was as puzzled as to why the agency was disobeying the law, as I am, and as the owner was. Mr. Safer put it this way, "the law says the EEOC can't set quotas." The heck they cannot.

Despite the denials by the EEOC, Mr. Safer concluded that, "It"—meaning EEOC—"did set numbers by telling Mike"—Mike being the owner of this tiny Daniel Lamp Co.—"that based on other larger companies' personnel, Daniel Lamp should employ 8.45 blacks."

When the Daniel Lamp Co. stood up to the intimidation of the EEOC, oh boy, the agency tightened the noose. You are not supposed to challenge the Federal bureaucracy, do you not see. Not only did the company have to meet the quota and pay the huge fine, but the company was required by the EEOC to spend another $10,000 to advertise in newspapers to tell other job applicants that they may have been discriminated against and to please contact the Daniel Lamp Co. for a potential financial windfall.

How do you like that when it comes to tyranny? See what is going on here. The Daniel Lamp Co. is not one of those Fortune 500 companies, as I said earlier, that can afford a bunch of lawyers and can placate the various special interest groups by hiring according to quotas. The Daniel Lamp Co. is just a small, struggling enterprise which can afford to pay its few employees a scant $4 an hour.

The company, I reiterate for the purpose of emphasis, hired only minorities. But that was not good enough for the quota bureaucrats in Washington, DC. They said the company did not hire enough of the "right" minorities.

This amendment pending at the desk right now will put an end to this disgraceful power play by the quota crowd in the Federal bureaucracy.

The question, Madam President, seems to me to be, do we want a nation where privilege and employment are handed out on the basis of group identity rather than merit? Already police and firemen in our major cities are clashing, happens every day, they are clashing over who can be classified as black or Hispanic to ensure that they receive job preference because of their minority status. Check the newspapers if you doubt what I am saying. Look in papers in Chicago, San Francisco, Boston, other cities. You will find I am correct.

The pending Helms amendment protects the Daniel Lamp companies of this country, the firemen, the policemen, of whatever race, who are out there working hard at their jobs in the belief they will be rewarded for their hard work—not judged on the color of their skin.

This amendment does another thing. It includes an important safeguard which will protect those businesses and institutions whose special needs require personnel qualified for the job on the basis of religion, sex, or national origin. Like the other sections of title VII, this amendment protects the religious schools or institutions which grant preferences in hiring or admission to those of their own religion. It protects those ethnic-based enterprises which require special language skills and familiarity with particular customs. That is just common sense.

Now I know what is going to happen, or I think I know. You are going to hear Senators say, "Oh, you know, this Helms amendment destroys affirmative action and outreach programs." Those statements are what the lawyers call reductio ad absurdum, the absurd, they are not true. Let me knock that strawman down.

If you equate affirmative action with "goals" otherwise known as hiring by the numbers, then the critics may have some validity. The Helms amendment does away with that practice. If you support race conscious programs, if you support race norming tests, you lose this amendment, and Senators who favor that sort of thing ought to vote against the Helms amendment.

If you equate affirmative action with outreach programs, then you have nothing to worry about. Using language supplied by the distinguished Republican leader, Mr. DOLE, company can, may, and will recruit and hire in the inner city, prefer people who are disadvantaged, create literacy programs, recruit in the schools, establish day care programs, and expand its labor pool in the poorest sections of the community. In other words, expansion of the employee pool—which Senator DOLE calls good affirmative action—is provided for in the pending amendment.

Madam President, this country was founded on the philosophy of individual rights, not group entitlement. Former mayor of the city of New York, Ed Koch, recently addressed the issue of numbers-oriented affirmative action. He wrote to me, and I want to read into the RECORD some of his observations.

As to the already existing social problems caused by preferential affirmative action programs, several scholars, including the noted professor and sociologist Thomas Sowell, have observed that racial quotas and discriminatory affirmative action programs have not helped the intended beneficiaries. Those who are often preferred are the very ones who could have competed with the best.

* * * if we are to uphold our commitment to civil rights—as we should—we must set in motion programs to ensure that all deprived persons—without regard to race, color, religion, sex, or national origin—have the opportunity to achieve their full potential.

Then the former mayor continues.

We should focus our attention on assisting minorities who have suffered from unequal opportunity. * * * never excluding from programs others equally poor or deprived simply because they are white. The solution is not to place unqualified minority workers, or others of different national origin, in jobs for which they are not adequately trained as a band-aid to end discrimination. If anything that is the way to destroy the self-esteem of many workers, heightening anger and discrimination among fellow employees when some members of the workforce are unable to carry their fair share of the load * * * such practices unfairly reflect upon many minority members who were hired because they were qualified and are better than other applicants. They unfairly become judged, not as individuals, but as members of a protected class, not able to compete with others.

So the distinguished former mayor of New York cut right to the heart of the matter.

It makes absolutely no sense that we can tolerate programs that discriminate against the poor Asian from San Francisco, or the poor white from western North Carolina because they do not fall into the class of protected minorities.

I am going to end in just a second, Madam President, but before I do let

me comment on an article, a scholarly paper, in fact, that I ran across a few days ago. It was entitled "Equality and the American Creed: Understanding the Affirmative Action Debate." It was written by Seymour Lipset. By the way, this paper was sponsored by the Democratic Leadership Council.

The central thesis of this paper was summed up in this manner:

Affirmative action policies [hiring or promoting people by the numbers or group identity] challenge the basic American tenet that rights to equal treatment should be guaranteed to individuals, and that remedial preferences should not be given to groups. And given the strength of individualism in the American tradition, it is not surprising that most Americans, including a considerable majority of women and a plurality of blacks, have continued to reject applying emphasis on protected rights to groups.

Then he wound up by saying:

It is crucial that civil rights leaders, liberals, and Democrats rethink the politics of special preference. The American Left from Jefferson to Humphrey stood for making equality of opportunity a reality.

Obviously, Madam President, those sentiments by Seymour Lipset, writing for the Democratic Leadership Council, are right on the mark. I applaud the Leadership Council for its foresight, and I do hope that its members join even belatedly in the fight to elimate quotas in our society.

And that is why this amendment is pending at the desk at this moment. The Helms amendment puts America back on the course Thomas Jefferson, Hubert Humphrey, and Sam Irvin envisioned. It offers Senators an opportunity to back up their speeches back home where they almost unanimously declare their opposition to quotas. It gives them a chance to come clean and do here what they say they favor doing when they are back home.

I ask unanimous consent that a series of articles from the Washington Times, Human Events, and a transcript of a "60 minutes" broadcast be placed in the RECORD at the conclusion of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Times, Sept. 10, 1991]

CHAMPION OF LIBERTY

(By Walter Williams)

We should pay close attention to the Senate confirmation hearings on Judge Clarence Thomas' appointment to the U.S. Supreme Court. During what will probably be an inquisition, Judge Thomas will face questions about his position on affirmative action. But we shouldn't fall for our immoral senators' attempts to denigrate this very forthright and principled man in their efforts to appear holier than thou.

During the early part of the civil rights movement, affirmative action meant that firms, colleges and government agencies would take extraordinary efforts to seek out blacks and other minorities who, due to the ugly discrimination of the past, were outside traditional recruitment channels. In part, this meant advertising for positions in black newspapers, offering remedial assistance to youngsters with bright prospects but not quite up to standards, encouraging minorities to apply for opportunities previously unavailable, and combating acts of individual discrimination.

Judge Thomas benefited from this moral and proper version of affirmative action like so many other black Americans. Judge Thomas, like the majority of Americans, agrees with this version of affirmative action.

Today, affirmative action means something entirely different. It means the U.S. Labor Department policy of reporting false test scores to employers in the name of "race-norming." It means that New York City requires whites to achieve a test score higher than blacks to get promoted to police sergeant. Colleges are encouraged to give race-based scholarships. In sum, affirmative action today means racial quota policy.

Therefore, the questions the Senate should put to the nominee are: "Do you see it as your duty to hold as constitutional the use of race as a criterion for hiring and college admissions?" and "Do you interpret the Constitution as mandating equal protection for all Americans regardless of race, sex or national origin?"

Though arrived at through different routes, Judge Thomas and I believe in the principles of natural law. Natural law simply means that people are endowed with certain God-given, which our Declaration of Independence calls unalienable, rights to life, liberty and property. These rights, expressed by John Locke in his "Second Treatise of Government," which dominated the thinking of our Founding Fathers, are not granted by government.

Government's job is to protect these rights from private and public encroachment. But you don't have to read John Locke to arrive at the fundamental principles of natural law. Two of the Ten Commandments warn "Thou shall not covet" and "Thou shall not steal." If anything is going to get Judge Thomas in trouble with the U.S. Senate, it will be his belief in principles expressed in our Declaration of Independence.

Our U.S. Congress has utter contempt for principles of natural law. Unlike men like Jefferson, Madison and Mason, our congressmen believe that it is a legitimate function of government to forcibly confiscate property of one American to give another to whom it does not belong. They believe that government should grant one American a special privilege denied to another American. Congress will never own up to this betrayal of human rights, but its actions speak louder than words.

Judge Thomas' appointment is an important watershed for black Americans, but more importantly for the future of our country. He is a truly compassionate person because his brain controls his heart rather than vice versa. Judge Thomas is a true friend of liberty and an enemy of state-granted privileges.

[From the Washington Times, Sept. 11, 1991]

COALITION THAT ASKS TOO MUCH?

(By John McClaughry)

It was the spring of 1964, and Congress was struggling to adopt the landmark Civil Rights Act of that year. As a young staff member for a Republican congressman, I was one of an ad hoc staff group that met periodically to exchange information on civil rights strategy and new developments.

At one meeting we asked the late Clarence Mitchell, the chief lobbyist for the National Association for the Advancement of Colored People, to brief us on developments. Before a group of maybe 30 staff members, Mr. Mitchell was asked about an amendment proposed by the late Sen. John Tower, Texas Republican. The amendment would have prohibited discrimination on the basis of race by any NLRB-certified labor union.

Most of the staff members present felt that merely requiring employers to end discrimination in hiring and promotions was not enough. Unless discrimination by lily-white unions was attacked, black workers seeking work in unionized workplaces would never be able to achieve equal employment opportunity.

Thus many of us were shocked at Mr. Mitchell's reply. "We oppose the Tower amendment," he said, in a tone that could only be called sneering. "We know who our friends are." In this way, I was introduced to the hypocritical world of civil rights coalition politics.

The NAACP's scornful rejection of the nomination of Judge Clarence Thomas to the Supreme Court is only the latest manifestation of a political alliance—some would say an unholy one—that dates back almost 30 years. The participants are the leaders of a wide range of liberal organizations: minority groups, labor, teachers, liberal women's and pro-abortion groups (notably the National Organization for Women), so-called civil liberties groups, the more liberal farm groups. Ralph Nader's collection of self-styled "public interest research groups," leading environmental groups, legal aid organizations, the national offices of several major churches, and, recently, homosexual rights groups.

The most glaring deal this coalition ever concocted was the deal between the NAACP and Big Labor, characterized by Clarence Mitchell's summary rejection of the Tower amendment. The unions did not want to be hauled into court by the federal government for maintaining long-established practices inimical to equal opportunity for non-white minorities. In return for opposing Republican amendments to outflow union discrimination, blacks got union support for more welfare benefits, which often made it economically advantageous for poor minorities to stay out of the labor force instead of seeking work and driving the wage rate downward for established (read: white) workers.

With the NAACP's strident opposition to the confirmation of Judge Thomas, the leading black organization of the liberal coalition is once again keeping its end of the bargain. It opposes the confirmation of a truly exemplary—but not politically correct—black judge on the Supreme Court, knowing full well that Judge Thomas is the only black that President Bush will ever nominate for that position. And what will the NAACP get for blacks in return, from the pro-abortion women and others terrified that a growing conservative majority on the court will start overturning judge-made laws, thereby forcing Congress to do its own dirty work with roll call votes?

They will get coalition support for more welfare and more food stamps and more "plantation style" public housing and stricter laws forcing businesses to "hire by the numbers" instead of by individual merit.

Is this what the majority of the NAACP's members really want, and wants so badly that it will oppose a highly qualified black judge to succeed Thurgood Marshall on the Supreme Court? Maybe so. But the NAACP's rejection of Judge Thomas will give a lot of intelligent blacks a lot to think about in the years ahead. The coalition the NAACP has so

long embraced may well be demanding too much, and delivering too little.

[From the Washington Times, June 19, 1991]

RACIAL ARITHMETIC, CALIFORNIA STYLE

(By John Leo)

A good many Washington commentators are convinced that the quota debate is "Willie Horton II," i.e., a basically irrelevant nonstarter that is nevertheless useful for distracting and inflaming impressionable voters. This seems to be yet another curious case of that familiar Washington eye ailment known as inside-the-beltway myopia. In America, the large country just outside the Capital Beltway, quotas are a live issue indeed. Even if the Republicans should somehow manage to exorcise the spirit of Lee Atwater and shed all cynicism and manipulation by noon tomorrow, quotas would still be a major issue in the 1992 elections.

On my desk is a minor example of the growing quota mentality, a report to the U.S. Forest Service from its Task Force on Work Force Diversity. Twenty years ago, a report like this would simply have said, in effect, it isn't right for the service to be almost all white and male; let's open it up. But this report, infected by current notions of multiculturalism (there are many cultures or tribes that have to be appeased as groups), says that by 1995, the service "must have percentage in recognized groups equal to the percentages in the Civilian Labor Force in 1990." Quota time. Though momentarily stumped on what would be a proper quota for the disabled, the report says, "We think the appropriate number will be about 5.9 percent." Yeah, that's about right.

The Forest Service says that this report, a wellspring of odd but doctrinally correct multiculturalism, has been accepted "in spirit." This probably means that the leadership, being basically sane, will try to bury it if it can and just try to hire people from both sexes and all races. But here is the problem: To buy some peace, administrators often tell the multiculture believers to go off and make a report. When the report arrives, all thunder and lightning, it sometimes takes on a scary life of its own, raising so much fuss that administrators are tempted to buy peace once again by adopting it, even if it involves quotas, or as in the case of schools, ceding control of the curriculum to various pressure groups. In the worst-case scenario, this report enters and then polarizes partisan politics, with the Democrats trapped by angry constituents into defending assorted zaniness and quotas, thus putting the future of the party at risk.

This is roughly the dynamics at work in California, where the most serious quota drama is currently being played out. In brief (and I am not making this up), the Democratic majority in the state legislature is attempting to establish, by law, that California state universities and colleges will grant degrees to ethnic and racial groups in direct proportion to their share of the state's high-school graduates. This astonishing plan, pushed by Assembly Speaker Willie Brown and ex-Fonda husband Tom Hayden, is an explicit rejection of what used to be called civil rights and affirmative action (openness, giving everyone an equal chance, removing obstacles to individual freedom and advancement).

We are way beyond that. Now we are in the arena of group entitlements, bringing the colleges under political control and dividing up university degrees and jobs as part of a spoils system run from Sacramento. Since the Democrats vote as a bloc on this, only the good fortune of a last-minute veto by a retiring Republican governor saved California from this quota plan last year, just as the likelihood of another veto by the current Republican governor, Pete Wilson, will save the state this year or next.

To its great credit, California has been deeply concerned for two decades with the low rate of college graduation among some minorities. The disheartening news is that graduation rates for Hispanics and blacks are still very low. With frustration over this rising, the ideal of getting as many blacks and Hispanics as possible ready for college changed to the ideal of proportional representation in freshman admissions, then to the ideal of graduating roughly equal numbers of each group and finally to Willie Brown's favorite kind of ideal, one with legislative teeth.

The quota provision is in Willie Brown's bill, No. 2150, which has been temporarily shelved because of the budget crisis. Perhaps wisely, the bill is spreaded in a fog of euphemisms. Proportional representation in admissions and graduation is "educational equity," described as a central priority that California universities "shall strive to approximate, by 2000." If that sounds like the soothing language of goals, not quotas, don't be lulled: The "shall strive" is backed by tough provisions of reports, impact statements and the reminder that "governing boards shall hold faculty and administrators accountable" for all this legislated equity (i.e., their jobs are on the line). Since the bill neglects to provide funding for remedial help that unprepared minority students really need, I assume that if the bill passes, the universities would quickly capitulate and grant as many worthless political degrees as the legislature wants. Even now, voices are being raised around the system that every student has a "right" to graduate and that a "privileged elite" (administrators and faculty) is arbitrarily withholding a desirable good (automatic diplomas) from "under-represented minorities." This is the language of pork-barrel politics, not education, and that is what the Brown bill is all about.

[From the Washington Times, June 11, 1991]

THE ANTI-QUOTA QUOTA BILL

(By Paul Greenberg)

When it came time to consider civil rights this year, the U.S. House of Representatives obviously couldn't decide whether to pass a quota or an anti-quota bill. So it did both.

The resulting bill is a mystifying monstrosity even by the usual warped congressional standards. One section of the bill declares job quotas unlawful; another encourages them. One section says employers may not set aside jobs for certain groups; but if they don't, and their work force turns up short of these groups (a "disparate impact"), they'd better have a good reason ("business necessity") or they face stiff penalties. Who wrote this bill—Casey Stengel as edited by Yogi Berra?

This bill, whose significance is cloudy and whose provisions are anything but manifest, requires businesses accused of wrongful discrimination to prove that their requirements for a job have some "significant" and "manifest" relationship to the work involved. Washington remains a feast for connoisseurs of irony. The surest sign of a bad bill, like the surest sign of a bad idea, is bad language. If a bill can't make its intentions clear, the odds are they aren't.

One opponent of this bill—Rep. John A. Boehner, Ohio Republican—went too far when he said this "is not a civil rights bill. It is a quota bill, plain and simple." If only it were, it might not be nearly so mischievous. At least employers and workers would then understand precisely what arbitrary injustices and constitutional affronts were being decreed by Washington. Alas, there is nothing plain and simple about this bill. It is neither a quota nor an anti-quota bill; it is a charter for confusion and an invitation to strike out into the verbal fog and sue.

The upshot: Under this bill, businessmen could find themselves sued simultaneously by (a) white males who claim they're the victims of unfair quotas that lock them out of employment or promotion, and by (b) litigants of another color or sex who claim they're not fairly represented in the company's work force. Maybe both could combine their grievances in a class-action suit. Perhaps they could be joined by workers already on the payroll who feel they've been denied advancement because they are too (a) white, (b) black, (c) Hispanic, (d) male or female, (e) something else, (f) all of the above or any combination thereof, or (g) one from List A and two from List B.

The only interests clearly protected, nurtured and encouraged by this bill are those of trial lawyers. That's always the way with murky legislation designed to be passed, rather than to be clear. Lazy legislators have left the meaning of this bill, if any, up to legions of lawyers and layers of courts. Should the courts read some strange meaning into all this strange language, the same legislators will describe themselves as shocked—shocked!—to discover that there was anything like that in this legislation, and proceed to correct the court's interpretation by passing another and even murkier bill next year.

How to remedy this pattern, other than by repeated presidential vetoes that divide the country and reduce Americans to questioning one another's motives?

One way would be to make such laws apply to Congress. Now members of Congress tend to exempt themselves from civil rights bills—convincing evidence of how much real confidence they have in thier own botched handiwork. They're not about to accept the burden of proof when their own staffs reveal a "disparate impact" that must be justified by "significant" and "manifest" job requirements. Maybe if congressmen had to live with their work, it might get better.

Another improvement would be to allow any business, faculty, union or other outfit that hires and fires to do so strictly by merit so long as its work force did not exceed the racial, sexual or ethnic imbalance demonstrated by teams in the National Basketball Association. That would be a sign that Americans were taking merit, competitiveness, and performance in the workplace as seriously as we take the same qualities in professional sports—which would be a gigantic step up.

This latest "civil rights" bill, with its capacity for collecting civil wrongs for every conceivable kind of American, is but one more sign of a sad fad—the culture of victimization. Its motto: Whatever happens, it's not our fault. It's only because we belong to a victimized race, class, religious, ethnic group or some other subspecies of citizen that we're not uniformly successful and ecstatically happy all the time. And the way to bring about that happy state is to include more and more Americans in the category of victim, which now includes white Anglo-Saxon Protestant male—by grace of the U.S. House of Representatives.

The definition of equality in this country has come to mean giving every American a separate grievance, his own lawyer, and civil-rights law sufficiently vague to justify almost any result, however bizarre. That's how wacky bills like this get past the House of Representatives with the support of lawmakers like Democratic Reps. Beryl Anthony Jr., Ray Thornton, and Bill Alexander. (The only vote against it from Arkansas was cast by GOP Rep. John Paul Hammerschmidt.)

As for actual injustices that may exist in hiring—like racism and other evils is—they are almost lost in the expensive legal folderol and the rush of grievance collectors heading for the courts. The distinction between justice and mischief is soon lost. It happens every time some hopelessly vague and contradictory theory of group entitlement replaces the idea of individual rights—and responsibilities. That is what has just happened in the U.S. House of Representatives.

[From the Washington Times, June 5, 1991]

TITLE VII UPENDED

(By Terry Eastland)

This week's legislative struggle over employment discrimination actually began in 1964 when Congress deliberated over the proposals enacted as Title VII of the Civil Rights Act.

Opponents worried that the anti-job bias legislation might lead to . . . quotas. So a new provision was added: Nothing in Title VII "shall be interpreted to require any employer . . . to grant preferential treatment to any individual or to any group" on account of racial balance in the workplace.

Did that prevent preferential treatment, i.e., quotas? No. Title VII proscribed intentional discrimination only. But the newly created Equal Employment Opportunity Commission had other ideas. In guidelines purporting to interpret Title VII, the agency defined discrimination in statistical terms. Thus employment practices having a disparate impact upon minorities—including job testing—were suspect; these practices had to be validated or else modified or eliminated. Disparate impact was the seed that soon would produce quotas galore.

The EEOC knew that its own theory of discrimination was at odds with Title VII. In the agency's "Administrative History" for 1969, one discovers that the EEOC thought Congress would have to change Title VII to suit the new regulations, or else the EEOC would have to change the regulations to fit the original law.

Neither had to happen. In 1971, the Supreme Court in Griggs vs. Duke Power Co. ruled that under Title VII practices having a disparate impact upon minorities now had to be justified by "business necessity," a term found nowhere in Title VII or prior court opinions. Thanks to Griggs, few employers whose numbers were not "right" could avoid attack under the disparate impact version of Title VII. Because it proved easier to hire by the numbers than face costly litigation, employers discreetly resorted to the very practices the law originally proscribed.

The court in Griggs justified its interpretation of Title VII by citing the EEOC guidelines—they expressed "the will of Congress," said the credulous justices. The mating of the EEOC and the court to invert the will of the people was the modern administrative state at work. Although there were congressional efforts to rein in the EEOC, they failed Government by bureaucracy and judiciary, supported by the civil rights lobby, proved strong, even during Ronald Reagon's anti-quota presidency.

Arguably, the best hope for altering judicial government lies in the court itself, and in the Wards Cove case of 1989 the court reformed disparate impact theory by lessening its pro-quota force. This is what the Democrats who now swear so loudly against quotas in fact object to. They have an almost obsessive desire to recover the law of disparate impact written by the EEOC, approved in Griggs, and further expanded by lower courts. They want the industrial-strength version of Griggs.

Democrats were first to propose overturning Wards Cove. The Bush administration initially accepted Wards Cove, only to change course when it seemed politically useful. The limits to administrative pragmatism, however, are themselves pragmatic, related to the public's hostility to quotas. Hence the president's vow last year to sign a civil rights bill but not a quota bill, even though his own bill, while refusing to go as far as the Democrats' in rehabilitating and strengthening the law of disparate impact, is a quota bill. Any legislation that accepts the basic framework of Griggs will foster preferential treatment.

Democrats obviously cannot charge Mr. Bush with hypocrisy without admitting the truth of their own project. Instead, they want to out-Bush Mr. Bush in bashing quotas, and they want to abolish "race-norming"—"adjusting" the employment test scores of certain minorities so that they rank ahead of better scoring whites—because they know that otherwise they are vulnerable to pro-quota charges. Of course, they also propose to get rid of most tests. An arm is broken, so kill the patient. Democrats thus propose to overturn Title VII's original insistence that an employer may use "any professionally developed ability test" so long as it is "not designed, intended or used to discriminate."

The political truth today is what it has been since 1964, namely that it is very hard to make pro-quota statutory law, precisely because quotas have little public support. It is far easier to make pro-quota law through agency and judicial rulings, so long, of course, as the executive branch and the Supreme Court are in your possession. At the moment, it is the politically dangerous lot of the Democratic Party to be reduced to advancing the cause of preferential treatment in the one forum closest and most visible to the American people. They are doing so through deception, because that is the only way they might succeed.

And if they do succeed, note well, it will not be just a 1989 Supreme Court decision that will be overturned, but the original Title VII itself. Democrats have made a complete turn from the historic days of 1964, when they were the party of high principle, of colorblind equal opportunity.

(Terry Eastland is a resident fellow at the Ethics and Public Policy Center and co-author of "Counting by Race: Equality from the Founding Fathers to Bakke and Weber.")

[From the Washington Times, May 24, 1991]

THE GOALS LINE * * * CODIFIED

(By William Murchison)

When is a quota not a quota?

When it's a hiring goal, silly. Or an objective. A hope. A dream. Or when it's part of any linguistic smoke screen masking the machinations of the civil rights establishment.

Congress and the White House have been hung up all year over a civil rights bill intended to bypass several Supreme Court decisions that restrict in minor ways the operation of the quota system. President Bush vetoed the bill last year, objecting that it would necessitate racial and sexual quotas in hiring. This was because the bill required work forces to reflect community demographic makeup. How could this be achieved without strict quotas?

Backers of the bill naturally are horrified at the imputation that they—they!—have job quotas in mind. They point to language specifying that the act shouldn't "be construed to require or encourage" quotas. House Democrats, to get the bill through, say they'll toughen the language.

Oh! That's a good story! Tell me another, please, Mommy.

In the real world—the world on the other side of the microphones—you can't write language explicit enough to outlaw schemes for racial balance. Experience supports this view.

Return with us now to those thrilling days of yesteryear—1964—when Congress passed the Civil Rights Act, a sledgehammer blow at racial discrimination.

The bill wasn't supposed to require racial balance. In "Disaster by Decree: The Supreme Court Decisions on Race and the Schools," University of Texas law professor Lino A. Graglia writes: "Every title of the [civil rights] act, indeed, was defended by its proponents, with what proved to be irresistible force, on the ground that it did no more than prohibit racial discrimination. The possibility that a requirement of racial discrimination to achieve integration or racial balance might somehow result from the act was the strongest argument of its opponents and was repeatedly and emphatically denied by its proponents."

Sen. Hubert Humphrey, liberal of the liberals, declared that two amendments to the bill had ruled out "the busing of children." Sen. Robert W. Byrd of West Virginia rose to his feet. Could his distinguished friend, the senator from Minnesota, assure him that "schoolchildren may not be bused from one end of the community to another end of the community at the taxpayers' expense to relieve so-called racial imbalance in the schools"? His distinguished friend was happy to relieve the senator's anxiety. No, the bill wouldn't require racial balance.

All this notwithstanding, Mr. Graglia notes, a racial balance requirement in school attendance "was soon imposed by the Office of Education and upheld by the courts." The big yellow school buses started rolling.

We should excuse the leeriness of the White House—speaking for the majority of Americans, if polls are an indication—concerning hiring "goals." Once bitten, twice shy, is folk wisdom of the highest order.

"Goals," whatever Congress may have intended, have over the past 20 years solidified into quotas. Today we discriminate in order to fight discrimination. White applicants, especially white males, passed over for promotion or hiring can't see the fairness in blatant acts of unfairness. More and more take their objections to court. None of this exactly reinforce racial bonhomie.

What use, playing around with the language of this mischievous piece of legislation? No new civil rights bill is a better idea than a civil rights bill that merely fuels existing tensions.

Government imposed quotas—or quotas imposed in order to stay out of trouble with government—are intolerable and unfair: not least to the employee unlucky enough to get tagged the affirmative action hiree.

The guardians of enlightened opinion went bananas last year when Sen. Jesse Helms. North Carolina Republican, running against a black Democrat, ran anti-quota ads on television. The ads were said to embody the new racism or something.

Mr. Helms, in truth, spoke for a silent majority sick of hearing that to do a good thing we must do a bad thing. Federal judges, bureaucrats and civil rights lobbyists may think thus. Much larger numbers know we don't operate that way in America—or at least we didn't used to.

[From the Washington Times, May 24, 1991]

RACIAL ID CARDS

(By Paul Craig Roberts)

Soon every American may have to carry a racial ID card for use when taking an employment test, applying for a job, admission to university or a federal loan or contract. That would be the result of the 1991 Civil Rights Act, whether it is the White House's version, the Congress or a compromise between the two.

The various versions of the bill are fraudulently advertised as antijob-discrimination bills. If that is what they were, the bills would be redundant, because discrimination based on an "individual's race, color, religion, sex or national origin" has been illegal since the Civil Rights Act of 1964.

The problem with the 1964 Civil Rights Act is that it gives equal protection to everyone—even white males. This puts the law out of step with the affirmative action quota spoils system.

Today whites routinely suffer reverse discrimination in employment, promotion, university admissions where they must meet substanially higher standards, and even in employment testing where scores are "race normed" in order to enhance favored minorities' chances of getting jobs. This discrimination suffered by whites is illegal under the 1964 Civil Rights Act.

Whites have lost equal protection of the law, because federal bureaucrats and judges decided to jumpstart minority integration by implementing a policy of minority racial preferences. Mere color blindness in keeping with the 1964 Act, they thought, would allow economic and occupation differences among races to continue for more generations while blacks worked their way up educational and career ladders.

Many of the federal officials who favored quotas also assumed ill will toward minorities by whites. They argued that the federal government could not prove an employer or university was discriminating against blacks except on the basis of black representation in the work force and student body. Thus, the test of racial discrimination became whether blacks comprised the same percentage of the work force and student body as they do of the general population.

For example, if statistical balance requires blacks to have 50 slots and they only have 40, it is considered proof that the employer is discriminating. No one ever explained why a prejudiced employer would hire 40 blacks but not 50.

To push more blacks along than were ready required additional discrimination against whites. Since the 1964 Act permits employment testing and since we have a merit based educational system, employment tests were "race normed" to elevate black scores, and university admission standards were lowered for blacks. In addition, blacks are provided special financial incentives denied to whites.

With whites on a merit system and blacks on a quota system, antagonisms naturally arose, and officials, sensitive to black pride, permitted blacks to segregate themsevles into their own student organizations, thus defeating the purpose of integration that affirmative action was supposed to achieve. Everyone nows that all-white fraternities are taboo, but all-black fraternities are permitted, making the civil rights double-standard even more glaring.

Twenty-seven years of racial privileges have produced a gap between the 1964 law and reality that is too pronounced to continue. In 1989, the Supreme Court showed its unease when it ruled that statistical imbalance alone could no longer be considered proof of racial discrimination. Moreover, liberals who had implemented "temporary" quotas became alarmed at their permanence Former Secretary of Health and Human Services Joseph Califano spoke out that preferential treatment for blacks "was never conceived as a permanent program and its time is running out."

However, after 27 years, many blacks regard racial quotas as an entitlement like Social Security, and it is not easy all of a sudden to begin enforcing the 1964 Civil Rights Act. In 1990, Sen. Ted Kennedy introduced a new civil rights bill that would in effect overturn the 1964 bill by legalizing the present discrimination against whites. In 1991, Rep. Jack Brooks, Texas Democrat, reintroduced the Kennedy bill, and the Bush administration has its own version.

If any of these bills become law, racial privileges in testing, employment, promotion and university admission will be codified in the law. Since these privileges would be economically valuable, everyone's racial status would have to be legally defined to prevent those not entitled to the privileges from claiming them. Already policemen in New York and firemen in Boston and San Francisco are disputing who is black and who is Hispanic. If the Civil Rights Act of 1991 becomes law, we will end up with our own Nuremberg Laws under which a person's racial status will determine his legal standing.

[From the Washington Times, June 5, 1991]

TERMS REDEFINED

(By Patrick Buchanan)

"Can civil rights be legislated?" was how "Good Morning America" host Charlie Gibson put the question to me—and to Jesse Jackson.

Well, as Socrates used to say, First, define your terms.

What do we mean by civil rights? If we mean federal laws to prohibit racial discrimination in hiring and promotion, in assigning children to public schools, in public accommodations, the answer is yes. That civil rights revolution is over: It won.

And it won ultimately because it appealed to the conscience of the country, to beliefs about how we ought to treat one another.

In the '40s, '50s and early '60s, the term civil rights brought to mind the picture of a small black girl being led through a crowd of abusive whites to a public school. Of black youths sitting at a lunch counter having ketchup dumped on their heads as they tried to buy a sandwich. Of Jackie Robinson being given a chance to prove his ability. Of Rosa Parks refusing to give up her seat on a bus. The movement had about it magnanimity, dignity, nobility.

Today, civil rights has come to mean something different.

It has come to mean an "affirmative action" program at Georgetown Law School, where blacks are admitted with average test scores far below the lowest score of any white student.

It has come to mean white cops being denied a lifelong dream of becoming a sergeant or detective, because some court has ordered the next 10 open slots be set aside for blacks and Hispanics.

It has come to mean busing white children across town to meet some judge's notion of an acceptable racial balance.

It has come to mean young men born in El Salvador or Mexico getting preferential treatment at the state college over Polish and Italian kids whose fathers fought in Vietnam.

It has come to mean brazen boodling by politicians who suddenly turn up owning radio and TV stations worth millions—for an investment of a few thousand bucks.

A quarter century ago, we were able to see the faces of the victims of discrimination; now we see the faces of the victims of reverse discrimination.

To Jesse Jackson, black Americans, at 12 percent of the population, are doing fine in athletics, the armed forces and the popular culture. But blacks do not yet have 12 percent of the posts at our most prestigious law firms, corporations and universities. Hence, they are being cheated of what is theirs by right; and only bigotry explains the disparity.

Had it not been for white injustice, Mr. Jackson will tell you, black folks would already have a proportional share of the income, wealth and prestigious posts in American life. Therefore, justice requires affirmative action, reparations for past discrimination until blacks reach parity.

Sounds plausible. But what is wrong with Mr. Jackson's vision is that it is profoundly, deeply, un-American. It collides directly with the older vision where every citizen was free to pursue his dream, but no man was guaranteed more than what he earned or produced. When the Irish got off the boat, they were not immediately entitled to a share of the Brahmin's bank. Nowhere in the founding documents is there anything about ethnic or racial entitlements.

Indeed, the only way to redistribute the nation's wealth, income, property, power and prestige proportionately is to remake America. To give each group a "fair share" of the nation's wealth would require a government with the power to take away everything from those who have—to give to those who have not. Perfect equality would require absolute tyranny.

Upon the altar of that tyranny would have to be sacrificed all those things that make America unique: property rights, freedom of association, the idea of excellence, the American dream.

White Americans are not some monolith. They are of English and Irish descent, German and Jewish, Polish and Scottish, Italian and French. Are "overrepresented" Irish on the police forces of our major cities to be held back to make room for blacks? Are Asian Americans who outperform on math tests to give up their slots at Cal Tech and the Massachusetts Institute of Technology? Are Jewish professors and journalists to give up their positions to black teachers and writers?

Perhaps if the senators pushing such remedies would only, 12 of them, march into the well, resign, and ask their governors to appoint black legislators in their place, one might respect them more. But, as always, it is others who must sacrifice for their noble vision and their high ideals.

The new civil rights law has failed to attract the support of Americans because it is

not about equal rights as most Americans understand the term. It is about stacking the deck in civil suits where black plaintiffs and lawyers confront white businessmen.

What the Supreme Court ruled in 1989 is that, if you charge a businessman with bigoted standards of hiring, the burden is on you to prove his guilt, not on him to prove his innocence. Is that not the American way, the constitutional tradition?

The Democrats seek to tilt the case against the businessman, to create a situation where he faces loss of income, ruin of reputation, and a stacked deck in court—so that he will cave in rather than fight.

This bill is yet another act of pandering to the militant minorities in the Democratic coalition, and it is because Democrats cannot say no that voters are saying no to them.

[From the Washington Times, Apr. 18, 1991]

WHATEVER HAPPENED TO CIVIL RIGHTS?

(By Paul Greenberg)

Viewers who saw the televised version of Brown vs. Board of Education, with Sidney Poitier as the young Thurgood Marshall and Burt Lancaster as the distinguished defender of a brittle old order, may have wondered about something: Whatever happened to civil rights?

Once upon a time, civil rights meant something clear and sharp—like justice. The cause sent people into the streets, the courtroom, the voting booth—black and white together, marching against something that was so clearly wrong it could not stand. Slowly it dawned: It was not the agitation over civil rights that had divided the American people but the cause of that agitation—racial segregation. It had set race against race, North against South, those who believed in the Constitution and the rule of law against those who still clung to a racial standard. A new national consensus formed in law and, more important, in the American mind: Jim Crow had to go. It was unjust. It was irrational. Most of all, it was un-American.

The unanimous ruling of the Supreme Court in 1954, politically astute and constitutionally necessary as it was, didn't so much inspire such feelings as confirm them. And the rest, however unsettling, was history. How could it have been otherwise?

Well, it could have been. Suppose Brown vs. Board of Education had not been argued as a matter of justice, of constitutional principle and undeniable common sense, but instead had been fought over technical issues. Its moral grandeur would have been reduced to another quarrelsome little contest between high-paid lawyers. Suppose in other words, that the issues had been those now raised by the proposed Civil Rights Act of 1991:

Do employment tests have a disparate impact on different races or ethnic groups or the sexes and, if so, does that mean the tests are sufficient proof of unlawful discrimination? Should the burden of proof fall on plaintiff or defendant? Should damages be only compensatory or punitive? And if punitive, should they be limited to $150,000? Should legal fees remain unlimited? Should claims be settled by private arbitration or federal commissions? What is the difference between a quota and a numerical goal? Might a bill that formally outlaws quotas informally encourage employers to adopt them rather than risk being judged guilty of invidious discrimination? What is the proper proportion of racial and ethnic groups in a company's labor force—should it be determined by the complexion of the community in general, the skilled labor pool, the national population or all of the above? Should an employer have to prove that his tests and other "employment practices" bear a "significant relationship to successful performance" in order to escape damages? And so eternally pettifoggingly on.

Can you imagine basing great law or a great cause on the outcome of such a debate? Think of trying to fit all these points into the sweeping appeal of a Rev. Dr. Martin Luther King Jr. at the Lincoln Memorial, let alone on a picket sign. Are these reasons for young people to march and old folks to undergo a crisis of conscience?

These are are not issues that rally a great people; they're the stuff of special-interest politics and legal maneuvers. This is not the core of a great movement; it is the detritus of a moral cause that has become one more lobby. Now civil rights can be found somewhere on the national agenda between airline deregulation and farm subsidies.

Whether Americans come down on one side or the other of a civil rights bill is no longer a moral test; it is more of a legal and economic preference. There is no longer a national consensus on civil rights because there is nothing great, decisive and historic here to have a consensus on. Civil rights has become—dare I say it?—a bore. It has become a contest between ethnic groups and economic interests, not over the rights of the individual. And when that happens, it isn't very interesting or very American.

To quote Cornel West of the African-American Studies Program at Princeton: "The power of the civil rights movement under Martin Luther King was its universalism. Now, instead of the civil rights movement being viewed as a moral crusade for freedom, it's become an expression for a particular interest group. Once you lose that high moral ground, all you have is a power struggle, and that has never been a persuasive means for the weaker to deal with the stronger."

The stultified leadership of what's left of the civil rights movement insists on replaying the themes of the 1960s in the 1990s. But that old battle was fought and won; the times they have changed. Words that were once stirring and relevant are now reduced to empty ritual. Meanwhile, dangers that cut across racial lines go neglected: the deterioration of the family, the absence of community, unequal education, the emphasis on group entitlements rather than civil rights . . . even as the annual posturing over civil rights begins.

(Paul Greenberg is editorial page editor of the Pine Bluff (Ark.) Commercial and a nationally syndicated columnist.)

[From Human Events, Apr. 6, 1991]

"60 MINUTES" STUNS CIVIL RIGHTS SUPPORTERS

The Democrats are not only back with their so-called "civil rights" bill that President Bush successfully vetoed last year because it would force businesses to hire and promote workers based on quotas, but they've actually added new provisions that would make the bill even more onerous and intrusive to employers.

Thus, in the name of broadening the bill's appeal to women, the House Education and Labor Committee, chaired by liberal Michigan Democrat William D. Ford, has added another feature that is every bit as abhorrent to conservatives as quotas: "pay equity" or "comparable worth."

Under this dangerous concept, the government, rather than the free market, would determine that a job heavily dominated by women—say, working in a sewing factory—should be compensated at the same rate as some other job largely held by men, such as working in a steel mill.

As reported by the Education and Labor panel, the bill would require the Department of Labor to establish a program to put out information about wage disparities based on sex and race and to provide technical assistance to employers to eliminate those disparities. While this may sound like a voluntary program, it is but a short step, once government studies conclude that certain jobs are underpaid, for regulators to use this as evidence that employers are discriminating—whether intentionally or not doesn't matter—and impose harsh penalties.

Supporters such as Sen. Ted Kennedy (D.-Mass.) deny that the Democratic measure would lead to quotas and pooh-pooh the concerns of opponents as little more than a cover for bigotry. Yet even under existing law—which people like Kennedy say isn't sweeping enough—federal bureaucrats are already enforcing what many consider to be a de facto quota system and inflicting harsh punishments on those employers who fail to comply with the system's rigorous requirements.

Why many believe the civil rights laws even as presently enforced to be excessively burdensome for businessmen—let alone enforced in the much more stringent way that the Democrats are now pushing—was dramatically illustrated by CBS's March 24 "60 Minutes" program in its segment on the plight of Mike Welbel, owner of a small Chicago lamp factory.

Though a spokesman for the Equal Employment Opportunity Commission disputes CBS's coverage of the Welbel case, it is clear that CBS—not known for its liberal bias—proved to its own satisfaction that Welbel is the victim of a quota mentality and that the penalties inflicted on him are highly unreasonable. (And even many Democrats are conceding that the "60 Minutes" program has undermined the civil rights drive in the Congress.)

Welbel, noted correspondent Morley Safer, is a former traveling salesman who decided nine years ago to start his own business; so he borrowed $3,000 on his Chevy station wagon and started the Daniel Lamp Co., which he named after his son. "The business didn't exactly prosper," said Safer, "but Mike Welbel was doing okay until last July when the federal government told Mike '$148,000, please, and we want it now.'"

The program then cut to Welbel, who described his reaction. "I froze. I froze in my chair," he said. "I—I—I was—I—I got—I I started feeling my chest bouncing around. I don't—I don't think it was a heart attack, but I'll tell you something. It was the next thing to it. I just was frozen with shock."

"What caused that shock," Safer told his nationwide audience, "was the EEOC, the Equal Employment Opportunity Commission. It found Mike guilty of racial discrimination." Which made no sense, said Safer, since the only two employees of the whole company who weren't either black or Hispanic were Mike and his father, who was a survivor of Auschwitz.

"As for the rest of the company," Safer continued, "Welbel hires only minorities. Eighteen Hispanics and eight blacks now work there."

So what prompted the EEOC to single out Welbel's company? As detailed by Safer, "Mike's troubles began in February 1989 when a black woman named Lucille Johnson who'd applied for a job was not hired. She

filed a complaint with the Chicago office of the EEOC. She claimed she didn't get the job because she was black."

Asked if he remembered Johnson, Welbel told Safer: "No, as a matter of fact, I've never met her, nor do I know who she is. I know her only from the paperwork that's involved."

Asked why Johnson wasn't hired, Welbel responded: "Well, we don't know on that particular day why she wasn't hired. When one is not hired it's because they don't qualify for the job or we don't have an opening or somebody else was better qualified for the job. So one of those reasons, that's the reason she didn't get hired."

"60 Minutes" found that Welbel's company, located in a poor, predominantly Hispanic section on the southwest side of Chicago, hires unskilled labor at a starting salary of only $4 an hour.

In good times he has had as many as 30 workers, but when business slackens, the work-force dwindles to as few as 12. With the low wages and the lack of job security, turnover is high. Under the circumstances, it is hardly surprising that Welbel wouldn't remember everyone who might have applied for a job.

At any rate, it wasn't long before a pair of investigators from the EEOC showed up at the Daniel Lamp Co. to check out Johnson's complaint, demanding access to Welbel's records. Welbel, who hired only minorities, invited the investigators to help themselves.

"And to be perfectly frank," the factory owner was shown telling Safer, "it was a very cordial relationship while they were investigating us. I certainly felt I had nothing to hide. You know, we've got all minority, a combination of black and Hispanic. Frankly, I took the matter very lightly."

CBS interviewed several of Welbel's employees, each of whom was either black or Hispanic, and they all said they were happy there and had never seen any hint of racial discrimination. A black woman named Zina, who drives the delivery truck and also assembles lamps, told Safer:

"I got the job right off the—you know, right off the top."

She added: "I know discrimination when I see it and would tell them [the government], believe me."

Another employee, a woman of Hispanic background, told Safer:

"I've been with the company for eight years and I have never seen Mike being discriminating against anybody. And it seems all that time, I've been seeing Hispanic and black people working here."

Yet, Safer reported, the EEOC claims that during three inspections in 1989 and 1990, "it found no blacks working there. Mike says that may be true from time to time because of his transient workforce. Jim Lafferty, director of legislative affairs for the EEOC, says he is not impressed by that argument."

Interviewing Lafferty, Safer asked: "So what's his [Welbel's] sin?"

LAFFERTY. "His sin is that he discriminated against someone who applied for a job there. Lucille Johnson, who's a very qualified worker, applied for a job there and she was denied the job and it was given to someone who was less qualified."

SAFER. "But that's a curious business, because people sometimes only work a couple of days and just don't show up again."

LAFFERTY. "If there was such a great movement of employees in and out of there, why didn't there happen to be any black employees who moved in and out of there during that time?"

SAFER. "Well, there were."

Lafferty then replied that the EEOC doesn't know that and that there are no records that indicate that blacks were employed at the company during the period covered by the three inspections.

Safer reported, however, that there are such records: that the company's own records show that 11 blacks worked there—some for a few days, some longer—during the period of the EEOC investigation. Moreover, he said, "60 Minutes" was able to independently confirm that these blacks had in fact worked at Daniel Lamp during the relevant period.

"But quite apart from records," Safer asked the EEOC official, "doesn't your nose tell you that this really isn't much of a case and that Mike Welbel is probably not a racist? He's a little guy trying to—trying to make a living and he loses—he hires people some weeks, he lays people off the next week. Don't you take the human factor into account, not just these cold statistics?"

In effect, Lafferty's reply was that, no, the EEOC does not take the human factor into account: that small businessmen like Welbel should worry first about meeting all the government's bureaucratic requirements and only then, if any time is left over, should they worry about making a living for themselves and their workers.

"Well, unfortunately," Lafferty said, "we have to rely on not only the statistics but on the word of Lucille Johnson and seven other people who've come forward since then telling us that they had also experienced discrimination during that period at Daniel Lamp."

While Lafferty played down the importance of statistics, CBS found that statistics were a key part of the EEOC's case against Welbel.

What helped to make Lafferty's case, Safer reported, "was the EEOC's computer. It told the agency that based on 363 companies employing 100 or more people and located within a three-mile radius of Daniel Lamp, Daniel Lamp should employ at any given moment exactly 8.45 blacks, which to Mike Welbel sounded like a quota. And the law says the EEOC can't set quotas."

Lafferty's response: "We really haven't said that. What we've said is, 'These are what the companies around you are doing. You've discriminated against this' "——

SAFER. "Stop being a federal bureaucrat for a minute and tell me what you're really telling him. What are you really telling him?"

LAFFERTY. "Don't discriminate. Obey the law."

SAFER. "But if he has three black employees and doesn't hire a fourth for whatever reason, and that fourth accuses him of discrimination, do you prosecute?"

LAFFERTY. "Yes, we do. It's not that there's a magical number. Please believe me. We don't set magical numbers for people like Mr. Welbel to meet."

But Safer found this unconvincing. "That's what Mr. Lafferty says," he reported, "but in a sense it [the EEOC] did set numbers by telling Mike that based on other larger companies' personnel, Daniel Lamp should employ 8.45 blacks."

The program then cut to an exchange between Welbel and Safer.

WELBEL. "Any way you slice the pie, it's a quota system."

SAFER. "But if they say, 'Look, Mike, you've got to have eight blacks working for you,' could you live with that?"

WELBEL. "Could I live with it? Yes. Is it more difficult than hiring by qualification? Yes. What the government is asking me to do is hire by color. They're saying, 'Look, this black individual may not be as qualified, but that's who we want to see in your workplace.' What they've become is—they do the hiring and I run the place under their direction. I no longer decide who's good and who's bad."

Safer agreed, noting: "That, in effect has already happened, for beyond Lucille Johnson, the Feds told Welbel there were seven other people he should have hired."

And this despite the fact that, in Welbel's view, most of the seven clearly were not qualified. "[M]aybe one or two people were as good as somebody else who was hired. Three and four were not. They weren't even—not even close."

The EEOC, according to "60 Minutes," initially demanded that Welbel pay $148,000 in back wages to blacks he didn't hire but later reduced that to $124,000.

But the agency also has another demand, according to the program. It wants Welbel to spend an additional $10,000 to put ads in area publications telling people who had applied to Daniel Lamp Co. in 1989 and 1990 that they might have been discriminated against, and to please contact Welbel's office for a possible financial windfall.

"Do you know what would happen out here?" Welbel told "60 Minutes." "There'd be a mob scene. I would need 25 percent of the Chicago police department to come and monitor the crowds. Really what I have to do is pay people for work they haven't done. Frankly, that's absurd. It just doesn't make any sense."

Safer was then shown interviewing the EEOC's Lafferty: "You also want him to spend, I believe, $10,000 to advertise for unknown blacks who he never hired. Correct?"

LAFFERTY. "Right. That's right."

SAFER. "Explain the logic."

LAFFERTY. "Well, to find if there were other applicants who had been denied jobs on the basis of their race."

SAFER. "So there could be 1,000 people turning up, right?"

LAFFERTY. "It could be any number of people."

SAFER. "Claiming that they had been discriminated against by the Daniel Lamp Company."

LAFFERTY. "That's right."

Safer went on to report that the "government's position is firm. All companies, regardless of size, must conform. Daniel Lamp says it hires mainly Hispanics because it's on the Hispanic side of the tracks in this part of town in which ethnic demarcations are clearly defined. Mary Lou Gonzalez runs a social service group in the community. She says the whole fuss is good intentions gone haywire."

GONZALEZ. "I live in that neighborhood. I know what goes on in that neighborhood and I certainly know that if Daniel Lamp Company closes its doors, what we're going to end up with is 28 people probably on public aid, probably on unemployment and then going for food stamps.

"The government wants people to be substantially sustaining their own, and Daniel Lamp Company does not only have Hispanics. It has black employees who are also going to end up in the same line. Now, does that make sense? I don't think so."

Safer then reported: "Welbel's main source of employees is the Spanish Job Coalition, a group that tries to find jobs for minorities, blacks as well as Hispanics. Carlos Ponce, its director, says Mike Welbel does not discriminate."

PONCE. "This is a mistake. I think too often we expect government and our elected officials never to make mistakes. What's wrong with just saying 'This wasn't our best effort'?"

Speaking to the EEOC's Lafferty once again, Safer asked: "Is there going to be a last-minute reprieve for him, where you can make some kind of deal to just let him be and he'll hire his—the 'correct' number of blacks and you'll let him off the hook? Any chance of that?"

To which Lafferty replied, in effect, fat chance. "There's no correct number and we're not—we're not in the position of letting people off the hook."

"Every day," Safer concluded, "Mike Welbel delays paying the penalty, the amount he owes the government goes up a couple of hundred dollars. Meantime, the government has filed a lawsuit to collect."

When Human Events initially contacted Lafferty's office in Washington for his answer to the "60 Minutes" broadcast, the only response was to refer us to a press release on the case issued back on January 16.

Later, when we were near deadline, an EEOC spokesman agreed to discuss the case but said that the agency had no written response—detailed or otherwise—to the CBS segment. The spokesman issued the agency's stock disclaimer about quotas, saying that the agency considers individual complaints regardless of the numbers of minority workers employed by a firm.

He also said that the blacks who were shown working at Daniel Lamp Company on the program were all hired after Welbel knew that his company was being investigated. He said there were no black employees at Daniel lamp when the EEOC began its investigation in February 1989 and that only one black had been hired by the time the agency concluded its investigation around June 1990.

"60 Minutes" reported, however, that it had been able to independently establish that 11 blacks had worked for the company during that same period of time.

In the meantime, Welbel insists that he does not discriminate against any group and certainly not blacks. "We started in 1982," he told Human Events, "and we have had black employees in that year and every year since."

Welbel added that he has evidence to back this up, which is now in the hands of his lawyers, and that it will eventually be made public, possibly in court.

Welbel noted that, when one of his former black employees named Joe W. Smith, whom he had lost track of, learned of his problems with the government, Smith sent him an unsolicited and notarized letter attesting that he had been employed by Daniel Lamp Co. from November 14, 1985, through March 6, 1987—a time well before the company came under Federal surveillance—and that he "was never discriminated against nor treated unfairly." At our request, Welbel faxed us a copy of his letter (see copy above).

[Letter not reproducible in the RECORD.]

Welbel expressed anger at being accused of discrimination. "I'm on the road a lot," he told Human Events, "and do you think people say, 'I don't want to buy that lamp because it was made by a black'? What do I care who makes it?" He added: "As the son of two Holocaust survivors, I probably know as much about discrimination as any white person."

Because the small business owner has protested his innocence publicly, the EEOC seems determined to go especially hard on him. For Welbel, it has been a nightmare. It cost his accuser nothing to file a complaint against him. The taxpayers, including Welbel himself, are forced to pay for the prosecution. But for Welbel, even if he is vindicated in court—which is never a certainty—the costs of attorneys, not to mention the emotional trauma of being subjected to a Federal vendetta, will take a catastrophic toll.

"For me," he said, "it's a lose-lose proposition."

But for Ted Kennedy and his ilk, the victims of the government's Civil Rights gestapo—businessmen struggling to make an honest living like Mike Welbel—have it too easy. Kennedy admits that the purpose of his legislation, which the Democratic leadership is preparing to ram through the Congress, is to stack the legal deck even further against those accused of discrimination than it already is.

The injustice of such legislation is astounding. It's enough to make decent people puke.

[From "60 Minutes" CBS News]

THE NUMBERS GAME

SAFER. Mike Welbel of Chicago is guilty of not playing the numbers game. We'll explain in a moment. Mike's been a traveling salesman pitching everything from shoes to furniture. Nine years ago, he decided to start his own business. He borrowed $3,000 on his Chevy station wagon and started the Daniel Lamp Company, named after his son. The business didn't exactly prosper, but Mike Welbel was doing OK until last July when the federal government told Mike "$148,000, please, and we want it now."

MIKE WELBEL. I froze. I froze in my chair. I— I— I was— I was— I— I got— I started feeling my chest bouncing around. I don't— I don't think it was a heart attack, but I'll tell you something. It was the next thing to it. I just was frozen with shock.

SAFER. (voice-over). What caused that shock was the EEOC, the Equal Employment Opportunity Commission. It found Mike guilty of racial discrimination. It just didn't make sense. The only two employees who are not Hispanic or black are Mike and his father, Leon [sp?], a survivor of Auschwitz. As for the rest of the company, Welbel hires only minorities. Eighteen Hispanics and eight blacks now work there.

Mr. WELBEL. Our track record with minority hiring I would challenge 3M, Pillsbury. Nobody has the profile of hiring minorities as the Daniel Lamp Company.

SAFER. (voice-over). Mike's troubles began in February, 1989, when a black woman named Lucille Johnson who'd applied for a job was not hired. She filed a complaint with the Chicago office of the EEOC. She claimed she didn't get the job because she was black.

(Interviewing) Do you remember her?

Mr. WELBEL. No, no. As a matter of fact, I've never met her, nor do I know who she is. I know her only from the paperwork that's involved.

SAFER. So she filled out an application?

Mr. WELBEL. Yes, she filled out an application and she sought employment. And for one reason or another, she wasn't— she wasn't— she wasn't hired. [It was] certainly not because she's black.

SAFER. You say "for one reason or another." That sounds ominous, when somebody says "for one reason or another."

Mr. WELBEL. OK.

SAFER. Why wasn't she hired?

Mr. WELBEL. Well, we don't know on that particular day why she wasn't hired. When one is not hired it's because they don't qualify for the job or we don't have an opening or somebody else was better qualified for the job. So one of those reasons, that's the reason she didn't get hired.

SAFER (voice-over). It wasn't long before two investigators from the EEOC showed up at the door of the Daniel Lamp Company to check out Lucille Johnson's complaints. They wanted to go through Welbel's records. He said, "Help yourself."

Mr. WELBEL. And to be perfectly frank, it was a very cordial relationship while they were investigating us. I certainly felt I had nothing to hide. You know, we've got all minority, a combination of black and Hispanic. Frankly, I took the matter very lightly.

SAFER (voice-over). Daniel Lamp Company is not exactly IBM in its record-keeping, its personnel department or, for that matter, in its benefits. It's about as small a manufacturing company as you'll find in Chicago. It's in an old building on the southwest side, broken into so many times that Mike has had to bar every window in the place. He employs 26 people. Starting salary: $4 an hour. They assemble cheap to medium-priced lamps.

There are few people who've had been with Mike for years, but mainly people come and go. In good times, Mike will have as many as 30 people working. In bad times, as few as 12. It seems a happy enough shop, if a bit noisy, with everyone's radio tuned to a different station.

Jonathan Poe [sp?] is a packer in the shipping department. Christine Castillo [sp?] is the floor manager of the assembly line, where she deals with everything from production output to color coordination.

Mr. WELBEL: This mauve may clash with that cranberry.

SAFER (voice-over). Lou Perales [sp?] is the general manager. Zina [sp?] drives the delivery truck and also assembles lamps.

(Interviewing) What happened when you applied for a job here?

ZINA, Daniel Lamp Company Employee. I got the job right of the—you know, right off the top.

SAFER. So what's—you think the government's just crazy or what?

CHRISTINE CASTILLO, Daniel Lamp Company Employee. Yeah.

SAFER. Zina?

ZINA. I know discrimination when I see it and I would tell them, believe me.

SAFER. Jonathan, any problems?

JONATHAN POE. Daniel Lamp Company Employee. As long as I've been here, you know, it's like, everybody's one happy family.

Ms. CASTILLO. I've been with the company eight years and I never seen Mike being discriminating against anybody. And it seems all that time, I've been seeing Hispanic and black people working here.

SAFER (voice-over). But that's not what the EEOC says it saw during three inspections in 1989 and 1990. It says it found no blacks working there. Mike says that may be true from time to time because of his transient work force. Jim Lafferty [sp?], director of legislative affairs for the EEOC, says he is not impressed by that argument.

(Interviewing) So what's his sin?

JIM LAFFERTY, Director of Legislative Affairs, Equal Employment Opportunity Commission. His sin is that he discriminated against someone who applied for a job there. Lucille Johnson, who's a very qualified worker, applied for a job there and she was denied the job and it was given to someone who was less qualified.

SAFER. But that's a curious business, because people sometimes only work a couple of days and just don't show up again.

Mr. LAFFERTY. If there was such a great movement of employees in and out of there, why didn't there happen to be any black employees who moved in and out of there during that time?

SAFER. Well, there were.

Mr. LAFFERTY. We don't know that.

SAFER. Some stayed a few days and some stayed longer.

Mr. LAFFERTY. We really don't know that and unfortunately, there are no records that'll indicated that to us.

SAFER (voice-over). But Mike's records show, and we were able to independently confirm, that 11 blacks worked at Daniel Lamp during the period of the EEOC investigation.

[Interviewing] But quite apart from records, doesn't your nose tell you that this really isn't much of case and that Mike Welbel is probably not a racist? He's a little guy trying to—trying to make a living and he loses—he hires people some weeks, he lays people off the next week or the people leave of their own accord. Don't you take the human factor into account, not just these cold statistics?

Mr. LAFFERTY. Well, unfortunately, we have to rely on not only the statistics but on the word of Lucille Johnson and seven other people who've come forward since then telling us that they had also experienced discrimination during that period at Daniel Lamp.

SAFER (voice-over). What helped to make Lafferty's case against Mike Welbel was the EEOC's computer. It told the agency that based on 363 companies employing 100 or more people and located within a three-mile radius of Daniel Lamp, Daniel Lamp should employ at any given moment exactly 8.45 blacks, which to Mike Welbel sounded like a quota. And the law says the EEOC can't set quotas.

Mr. LAFFERTY. We really haven't said that. What we've said is, "These are what the companies around you are doing. You've discriminated against this"—

SAFER. Stop being a federal bureaucrat for a minute and tell me what you're really telling him. What are you really telling him?

Mr. LAFFERTY. Don't discriminate. Obey the law.

SAFER. But if he has three black employees and doesn't hire a fourth for whatever reason, and that fourth accuses him of discrimination, do you prosecute?

Mr. LAFFERTY. Yes, we do. It's not that there's a magical number. Please believe me. We don't set magical numbers for people like Mr. Welbel to meet.

SAFER. (voice-over). That's what Mr. Lafferty says, but in a sense it did set numbers by telling Mike that based on other larger companies' personnel, Daniel Lamp should employ 8.45 blacks.

Mr. WELBEL. Any way you slice the pie, it's a quota system.

SAFER. But if they say, "Look Mike, you've got to have eight blacks working for you," could you live with that?

Mr. WELBEL. Could I live with it? Yes. Is it more difficult than hiring by qualification? Yes. What the government is asking me to do is hire by color. They're saying, "Look, this black individual may not be as qualified, but that's who we want to see in your work-place." What they've become is—they do the hiring and I run the place under their direction. I no longer decide who's good and who's bad.

SAFER. (voice-over). That, in effect, has already happened, for beyond Lucille Johnson, the feds told Welbel, there were seven other people he should have hired.

Mr. WELBEL. And by no stretch of the imagination could these applicants qualify. Now, I shouldn't say all of them. And so maybe one or two people were as good as somebody else who was hired. Three and four were not. They weren't even—not even close.

SAFER. (voice-over). As we said, the EEOC demanded that Mike pay $148,000 in back wages to blacks he didn't hire. They've since reduced that to $124,000, but they want Mike to go even further.

Mr. WELBEL. What the government wants us to do is, they want us to come up with a fund of $10,000 and put an ad in publications in the area saying more or less "If you applied to the Daniel Lamp Company in 1988 and 1989, you may have been discriminated against. Please contact our office." Do you know what would happen out here? There'd be a mob scene. I would need—I would need 25 percent of the Chicago police department to come and monitor the crowds. Really what I have to do is pay people for work they haven't done. Frankly, that's absurd. It just doesn't make sense.

SAFER. You also want him to spend, I believe, $10,000 to advertise for unknown blacks who he never hired. Correct?

Mr. LAFFERTY. Right. That's right.

SAFER. Explain the logic.

Mr. LAFFERTY. Well, to find if there were other applicants who had been denied jobs on the basis of their race.

SAFER. So there could be 1,000 people turning up, right?

Mr. LAFFERTY. It could be any number of people.

SAFER. Claiming that they had been discriminated against by the Daniel Lamp Company.

Mr. LAFFERTY. That's right.

SAFER (voice-over). So far, the only person to be offered money at all was the person who filed the original complaint, Lucille Johnson.

Mr. WELBEL. By their determination, by EEOC standards, she was to get $340.01. In my own mind I said, "It's not fair, but Mike, you can live with that. It's not so terrible."

SAFER (voice-over). He rounded that amount off to $350 and sent it to Lucille Johnson for lost wages, but he also offered her a job. She refused the money and never opened the letter with the job offer. She also didn't want to talk to us. Welbel told the EEOC he could live with all of its demands except for that big one, the $124,000 one.

Mr. WELBEL. At that time I said, "You've just put me out of business. I'm no longer around. I'm no longer here. I'm out." And that's what I told them. There's not this kind of money here. We're dealing in a small business. It's a tiny nickel, dime business and there's no way we can meet that. We would have to liquidate what we have. I may or may not have to sell the property itself, too, but we would be out of business. As surely as I'm standing here, we'd be out of business.

SAFER. Why do you think the government went after this company, after his 26 people working here?

LOU PERALES, Daniel Lamp Company Employee. [?] Well, my opinion is they probably didn't have anything else better to do. We're not AT&T, We're not IBM. We're a little 30-employee lamp shop on the west side of Chicago. Who are we bothering?

SAFER (voice-over). The government's position is firm. All companies, regardless of size, must conform. Daniel Lamp says it hires mainly Hispanics because it's on the Hispanic side of the tracks in this part of town in which ethnic demarcations are clearly defined. Mary Lou Gonzalez [sp?] runs a social service group in the community. She says the whole fuss is good intentions gone haywire.

MARY LOU GONZALEZ, Community Social Service Group Director. I live in that neighborhood. I know what goes on in that neighborhood and I certainly know that if Daniel Lamp Company closes its doors, what we're going to end up with is 28 people probably on public aid, probably on unemployment and then going for food stamps. The government wants people to be substantially sustaining their own and Daniel Lamp Company does not only have Hispanics. It has black employees who are also going to end up in the same line. Now, does that make sense? I don't think so.

SAFER (voice-over). Welbel's main source of employees is the Spanish Job Coalition, a group that tries to find jobs for minorities, for blacks as well as Hispanics. Carlos Ponce [sp?], its director, says Mike Welbel does not discriminate.

CARLOS PONCE, Director, Spanish Job Coalition. This is a mistake. I think too often we expect government and our elected officials never to make mistakes. What's wrong with just saying "This wasn't our best effort"?

SAFER (voice-over). Carlos Ponce feels the government should forget about small companies like Daniel Lamp in the inner city and take a look at the suburbs.

Mr. PONCE. Where do they draw the line? There's these corporate sanctuaries in the suburbs, with their little lakes and ponds around them and they've moved out there and blacks and Hispanics certainly can't buy into the housing market out there. So where's the equity there?

SAFER. Is there going to be a last-minute reprieve for him, where you can make some kind of deal to just let him be and he'll hire his—the "correct" number of blacks and you'll let him off the hook? Any chance of that?

Mr. LAFFERTY. There's no correct number and we're not—we're not in the position of letting people off the hook.

Mr. WELBEL. It's very hard to work under these conditions, but I'm trying as best as I can to assure the people that everything'll be all right. I really don't know that everything'll be all right, but how can somebody work knowing that every day he may be out of a job? So we take it day by day. I say, "Don't worry. Somehow it'll work out." I don't know that it will.

SAFER. Every day, Mike Welbel delays paying the penalty, the amount the owes the government goes up a couple of hundred dollars. Meantime, the government has filed a lawsuit to collect.

Mr. HELMS. Madam President, I do not know exactly how to handle this with just two Senators on the floor, but I want the yeas and nays on this amendment. Just for the record, I am going to ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. HELMS. In which case, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Madam President, I renew my request for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LIEBERMAN). Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that a legislative fellow on my staff, Dr. Jim Hanson, an outstanding pediatrician from the University of Iowa, be granted floor privileges for the rest of the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that the following committee amendments be agreed to en bloc: page 15, line 15; page 15, line 16; page 18, line 25 through line 2 on page 19; page 23, lines 2 through 4; page 27, line 20; page 29, lines 2 through 5; page 72, line 24; and that the bill as thus amended be considered as original text for purpose of further amendment, provided that no point of order be raised by reason of this agreement; notwithstanding any previous action by the Senate, the proposed committee amendment on page 67, lines 1 and 2, be considered rejected.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. STEVENS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Alaska reserves the right to object.

Mr. STEVENS. There is no objection.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

The excepted committee amendments agreed to en bloc are as follows: page 15, line 15; Page 15, line 16; page 18, line 25 through line 2 on page 19; page 23, lines 2 through 4; page 27, line 20; page 29, lines 2 through 5; page 72, line 24.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CONRAD). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought the floor to comment about a press release which was issued today concerning an allocation of funds for Pennsylvania from the subcommittee of the Appropriations Committee on Transportation. I had earlier discussed the matter with the Senator from New Jersey [Mr. LAUTENBERG], who is the chairman of that subcommittee, because I wished to raise a concern about the issuance of this release. I had notified Senator LAUTENBERG that I would be doing so this afternoon and had placed a call to Senator WOFFORD on the subject. I wanted to alert them at this time that shortly I will be raising this issue and wanted to give them an opportunity to be present to respond.

I thank the Chair. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REFUGEE GUARANTEES

Mr. LAUTENBERG. Mr. President, I rise to express my concern and, frankly, dismay over the administration's request that the Congress delay consideration of the refugee guarantees for Soviet Jewish absorption in Israel. I oppose their request because I believe that this assistance is a humanitarian issue, not a political issue, and ought not to be linked in any way to the peace process.

That linkage does danger to the peace process, in fact, because I believe that it encourages Israel's enemies to think that the United States will take care of squeezing out concessions before the peace table is arrived at. It is the wrong impression to give.

Over the last two decades, the United States has led the world in appealing for the freedom of Soviet Jewry and has been a petitioner for emigration. We have had laws on our books that prevent trade concessions for the Soviet Union because they did not permit free emigration.

We are all aware that a number of former refuseniks have stated that it was U.S. action which kept alive their hopes of religious freedom and respect for human rights. Not only did the United States support Soviet Jewish emigration, but by limiting refugee entry into the United States, our policy actually encouraged them to emigrate to Israel.

One million Soviet Jews are expected to emigrate to Israel over the next 5 years, which will result in an increase of about 20 percent of Israel's population. As their dreams come to fruition, the United States is presented with a historic opportunity to help with their absorption and make good on our commitment to them. I strongly support the proposed refugee guarantees as a cost-effective, humanitarian, and urgent means of assisting with Soviet resettlement.

Developments in the Soviet Union, as encouraging as they are, portend a period of political and economic instability and cast a troublesome shadow on the future and safety of Jews in the region. Ethnic nationalism is on the rise in each of the Republics, and the onset of winter and potential famine could fuel ethnic tensions. Historically, the combination of these factors spell uncertainty and danger for Jews in the former Soviet Union.

American loan guarantees to help with the absorption of Soviet Jewry have been discussed for over 1 year, with the understanding, arrived at between the Israeli Government and the administration last spring, that the Congress would consider their approval this month. Given the Congressional Calendar, the additional delay the administration has suggested will be far longer than 4 months, and could stretch well into 1992.

Soviet Jews have been arriving in Israel at the rate of about 20,000 a month. These refugees, seeking a new life outside of the Soviet Union, need jobs, housing, and the chance for an independence and secure life. Further delay in U.S. action will have enormous human costs.

I believe the U.S. Government should act now, without further delay. Approval of the refugee guarantees is a humanitarian issue, which is separate and apart from the peace process. The fate of these refugees should not be held hostage to political differences, over which the refugees have no control, between Israel and the Arab nations. I support approval of the guarantees promptly, in the most cost effective way possible.

Mr. President, we saw fit in the Persian Gulf conflict period to forgive Egypt 7 billion dollars' worth of loans that they owed America. That cost had to be shared by taxpayers across this country. It was a program that I supported because of Egypt's position in the Persian Gulf conflict, because they were of help to us. What is being asked for on behalf of Israel is of no cost consequence to the American taxpayer in any way or any form.

Mr. President, the time to act is now to let Israel know that we are going to be there to support our commitments, both moral and humanitarian, made in times past, and reaffirmed just a couple of months ago when the supplemental appropriations was approved and enacted.

It is my hope that the administration will reconsider its position and will work with the Senate Appropriations Committee and the Congress to approve these refugee guarantees without delay.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WELLSTONE). The clerk will call the roll.

The legislative clerk proceed to call the roll.

Ms. MIKULSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, I ask unanimous consent to speak in morning business unless, of course, the majority leader is ready to proceed?

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

LOAN GUARANTEES FOR ISRAEL

Ms. MIKULSKI. Mr. President, I would like to use this opportunity to say a few words to the United States Senate about the issue of loan guarantees. I just returned from Israel and know the pressing needs there, and I strongly believe that delaying action on loan guarantees for that democratic country is, indeed, a flawed idea. I want to work to approve those loan guarantees as early as possible, in the most timely way.

I would like to help the American people understand, perhaps, a question they might have on this topic. I know if I were walking around one of the bowling alleys in Baltimore or one of the diners in my State of Maryland, they would say: Barb, loan guarantees for a foreign country? Why? You know what we need to do here. And they would absolutely be right about compelling fiscal needs in our own country.

But, what many people do not understand is that we are not talking about a cash grant to the State of Israel. We are not talking about a loan to Israel. We are talking about guaranteeing their ability to borrow money, which we have done in the past. We do not give them any cash.

Mr. President, when Israel borrowed money in the past with the backup of the United States Government, it paid back every nickel on time and on line. I wish that some of our financial institutions would have had the same record, and we backed them up.

When the American taxpayer says, why over there and not here, I want to be very clear what a loan guarantee is. When the phrase "$10 billion" is used, we are not talking about $10 billion this year. We are talking about $2 billion a year over a 5-year period. Still, a substantial amount of guarantee.

But I have confidence that the State of Israel, for whatever it will borrow in the United States or in the world marketplace, will pay it back and that our guarantees from a fiscal standpoint are well placed.

Then let us speak about the need. Right now the Soviet Union is unraveling. How it will then put itself back together remains yet to be seen. But we do know that it is absolutely imperative that Soviet Jews, who have been waiting to leave that country, be allowed to leave and, of course, come to the Israeli homeland.

When I was in Israel I went out to meet with the Soviet Jews who had come. My escort was Ida Nudel. Many women from the West, myself included, wore a bracelet encouraging release of Ida Nudel from the Soviet Union. She was a valiant woman who was imprisoned in a Siberian camp because she put a banner on the front of her house that said, "Let my people go." This woman was held in a Siberian prison for years. Her only companion, against criminals, was a club she kept under her bed and a dog.

With the Gorbachev initiatives, Ida Nudel is now in Israel. She escorted me around the community, and when she escorted me around the community she said: "You know what, Senator MIKULSKI? In Israel I'm a troublemaker."

I said, "You are?"

She said, "Yes, and it's a blessing." She said, "I speak up. I am leading an environmental movement. I am working on market reform. And here in Israel when you organize, people come to a meeting. And when I hold a rally I never have to be afraid of going to jail. But I will tell you, Senator MIKULSKI, we not only need freedom, we need to be able to develop jobs, build housing, and move the Israeli economy in a forward direction."

She spoke to me about those loan guarantees, and I saw the compelling need there. And then I saw representatives of 14,000 Ethiopian Jews who were rescued from Ethiopia. These men and women are not only from another century, they are from another millenium. They are an extraordinary group of people. They come from rural areas where they have practically no written language. They are indeed civilized, but in a very different way. They need the help that, with these guarantees, the Israeli Government will be able to give.

I did visit these absorption centers for both Ethiopian Jews and Soviet Jews. The Ethiopian Jews need help in adjusting to these bewildering modern Western ways. And in terms of the Soviet Jews, for decades it has been a United States policy to pressure the Soviet Union to release Soviet Jews. It was part of our human rights policy. And now it is expected that 1 million Soviet Jews will come to the State of Israel. So this is where the loan guarantees would be tremendously helpful.

Israel is a democratic government, and it is a government that prides itself on its self-reliance strategically and its self-respect economically. It is not asking the United States of America or the taxpayers to give them a handout. It is asking us to give them a helping hand, and the President of the United States should not link this to any other issue.

I believe that the policy of the United States of America should be based on a very important principle, that the appropriate role of a friend—that is the United States of America—is to work together with the Government of Israel to achieve security guarantees but not to pressure a democratically elected government into acting against its own best interests.

During the gulf war, the Israeli Government did not strike back as they themselves were bombed. Why? Because they were the bravest of the brave, because they chose not to fight with weapons but to fight as part of holding the coalition together.

So, Mr. President, when our President says we need this in order to promote the peace process, Kuwait was not invaded because of Israel; Saddam Hussein did not develop his military policy against his Arab brothers because of Israel. He developed it because of his own greed and ambition and evil policy.

So, Mr. President, I hope that we will move these guarantees in a timely way and in a way that has absolutely no linkage and no conditions so that our own foreign policy objectives are met.

Mr. President, I yield the floor.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATIONAL, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Helms amendment No. 1106 be temporarily laid aside; that Senator NICKLES be recognized to offer an amendment regard-

ing parental notification; that there be 30 minutes for debate on that amendment equally divided and controlled between Senator NICKLES and Senator KASSEBAUM; that upon the use or yielding back of that time, the Senate proceed to vote on or in relation to the Nickles amendment; that upon disposition of the Nickles amendment, Senator KASSEBAUM be recognized to offer an amendment relating to parental notification; that there be 20 minutes of debate on the Kassebaum amendment equally divided and controlled between Senator KASSEBAUM and Senator NICKLES; that upon the use of yielding back of that time, the Senate proceed to vote on or in relation to the Kassebaum amendment; that upon disposition of the Kassebaum amendment, the Senate resume consideration of the Helms amendment No. 1106; that there then be 45 minutes for debate on the Helms amendment, 15 minutes under the control of Senator HELMS, 30 minutes under the control of Senator HARKIN; that upon the use or yielding back of that time—I withdraw the last clause with respect to the "upon use or yielding back of that time" and conclude my request.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered. The Helms amendment is laid aside and the Senator from Oklahoma is recognized.

Mr. MITCHELL. Mr. President, before the Senator is recognized, let me say the Senate has experienced a period of inactivity this afternoon because several of the Senators who are interested in and wish to address the Helms amendment are tied up in the Thomas hearing. They could not come because their duties require them to be there. What we tried to do is to get this agreement and execute it in a way so the Senate can complete its action by shortly after 7 this evening. It is my hope that not all the time will be used and we can get the last vote in at or prior to 7:15 p.m.

I particularly am grateful to the cooperation of the Senator from Oklahoma and the Senator from Kansas and, of course, the distinguished manager of the bill, Senator HARKIN.

Mr. NICKLES. Will the majority leader yield for a question? If I am correct, the time on my amendment is 30 minutes and then we will have a vote on my amendment. If we finish the debate prior to that, will the majority leader be prepared for the vote or does he want to hold the vote for 6 o'clock?

Mr. MITCHELL. No. I think we should proceed with the vote as soon as the debate is completed.

Mr. NICKLES. I thank the majority leader.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 1107

(Purpose: To protect the health and well-being of young people and the integrity of their families)

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES] proposes an amendment numbered 1107.

Mr. NICKLES. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the committee amendment on page 18, line 5, add the following: "(*Provided, however,* That none of the funds contained in this Act may go to any entity receiving funding as a grantee or a delegate under title X of the Public Health Service Act unless such entity certifies to the Secretary that the entity will not perform an abortion on an unemancipated minor under the age of 18, and will not permit the facilities of the entity to be used to perform any abortion on such a minor, without regard to whether the abortion is to be performed with any financial assistance provided by the Secretary, unless a written notification is provided to a parent or legal guardian of the minor stating that an abortion has been requested for the minor, and 48 hours elapses after the notification is provided to the parent; except that notification may be delivered personally by a physician or physician's agent, in which case 48 hours elapses from the time of making personal delivery; or notification may be provided through certified mail, return receipt requested, restricted delivery addressed to a parent or guardian at that individual's dwelling house or usual place of abode (as defined by rule 4 of the Federal Rules of Civil Procedure for the United States district courts), in which case 48 hours elapses from 12 o'clock noon on the second day of regular mail delivery that follows the day on which the notification is posted: *Provided further,* That this section shall not apply in cases where the physician with principal responsibility for making the decision to perform the abortion certifies in the minor's medical record that she is suffering from a physical disorder or disease making the abortion necessary to prevent her death and there is insufficient time to provide the required notice: *Provided further,* That this section shall not apply in cases where the minor declares that the pregnancy resulted from incest with a parent or guardian of the minor or that she has been subjected to or is at risk of sexual abuse, child abuse, or child neglect by a parent or guardian, as defined by the applicable State law, provided that in any such case the physician notifies the authorities specified by such State law to receive reports of child abuse or neglect of the known or suspected abuse or neglect before the abortion is performed: *Provided further,* That this section shall not apply to entities in States that have in effect enforceable laws requiring that a parent or legal guardian be notified of, or give consent to, an abortion to be performed on an unemancipated minor under the age of 18, except that the State law may allow parental notification or consent to be waived only through judicial proceedings),".

Mr. NICKLES. Mr. President, as outlined by the majority leader, we have 30 minutes to discuss this amendment debating parental notification on abortion. I am not sure it will take 30 minutes. We already had a couple of debates on this issue this year. If you go back to last year, Senator Armstrong had a very comparable amendment, and Senator COATS had an amendment also this year. So I do not know that it takes a great deal of discussion.

This amendment is very straightforward. So, if we can waive some time, I will be happy to do that. I understand there are a couple of votes and some individuals would like to finish by 7 o'clock tonight. That will delight this Senator as well.

This amendment is very straightforward. It is very commonsense. It basically states that any organization that receives title X funds, and we are talking about family planning funds, that if they receive those funds, they have to notify at least one parent or guardian 48 hours prior to performing an abortion on a minor child, that is a girl under the age of 18, unless the girl's life is threatened or in danger.

Mr. President, I say that is commonsense because we are talking about minor children, we are talking about people under the age of 18 who are preparing to make a very traumatic decision concerning not only their life but also certainly the life of the unborn child, and their parents should be notified, their parents should be involved in the decisionmaking process. It should not just be happening in a clinic without the input, without the guidance, and without the love and care of those parents. Those parents should be notified.

Unfortunately, there are about 200,000 abortions performed every year on minor girls, on girls under the age of 18. In many of these cases, unfortunately, the parents are not even aware of the abortion. Yet, we find in most medical practices today, parents for minor children require consent for other types of common procedures.

In Oklahoma, I will give an example, parents must give prior written consent before a school nurse can administer nonprescription drugs or a filled prescription to a student. We may be talking about Tylenol or aspirin. They have to have written consent.

Written consent must also be obtained from a minor's parent for the use of a child's photograph for the purposes of advertising.

We actually have a law pending in the State of Oklahoma that would require parental consent prior to allowing a minor to use a tanning facility.

Surely, the decision to have an abortion is not less important than the decision for a nurse to give a student an aspirin or where an advertiser can use the child's photograph or whether a child can use a tanning facility. Who is

in the best position to make that decision? Is it the counselor of some facility that meets a young girl who walks through the door, or is it the parents of that child? The parents know their daughters, they know their aspirations, and they know their problems. Hopefully, they would be in the best position to advise their daughter.

I might mention that I know this is not a perfect world. I know that in many cases we have some children who have been abused. We have some children who are, unfortunately, the victims of sexual abuse, in many cases even rape or incest by a parent, as obscene and abusive as that is.

We provide exemptions and exceptions under this amendment if notification would threaten the girl's life. If she is threatened in any way by parental neglect, or abuse, or sexual abuse, we provide an exemption because we do not want to endanger the girl by having to tell her parents. But we also say that if abuse is alleged, that the authorities should be notified. If that girl's life is in danger, if she has been sexually abused, then certainly the authorities should be notified so that the girl can receive some proper protection.

I might mention, too, to my friends and colleagues that parental notification is supported overwhelmingly by people throughout the country. There was a recent poll, I think it was done in the New York Times, that showed parental notice was supported by 83 percent of the people. I might mention my amendment is not parental consent. It is only notification. But parental consent was supported by 69 percent of the people. Again, that source was by a Gallup Poll taken this year.

So, Mr. President, we are talking about saving some lives. We are talking about maybe helping children in some very difficult circumstances, savings the lives of unborn children, actually reducing the numbers of pregnancies and abortions among teenagers, minor children.

I might mention that since Minnesota has passed a parental notification law, the abortion rate amongst teenagers has declined, and declined rather substantially. So I think this is an important issue.

I think we are talking about parental rights. We are talking about the chance for parents to be involved in very difficult circumstances in decisions with their children. I think it is a good amendment that we have passed now on the Senate floor two or three times, last year and this year as well.

I am hopeful that when we provide money in this bill for title X we will put on this condition, that if an entity at this time receives title X money, if they receive Federal money, they will accept with that money this string that, yes, before they perform an abortion they will notify the parents. If it does not endanger the life of the child or if the child is not at risk from sexual abuse from the parent, then those parents should be notified. That the parents should be notified is little condition before we say we are going to allow Federal funds to be used for abortions. I think that is a commonsense string to attach to these moneys.

So with that, Mr. President, I yield the floor.

Ms. MIKULSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. I thank the Chair.

The PRESIDING OFFICER. Who yields the time to the Senator from Maryland?

Mrs. KASSEBAUM. Mr. President, I am happy to yield whatever time the Senator from Maryland wants to speak in opposition.

The PRESIDING OFFICER. The Senator may proceed.

Ms. MIKULSKI. I thank the Chair very much.

Mr. President, first of all, I want to state very clearly that I support the principle of parental participation in the decisionmaking process involving an abortion that needs to be performed on a minor. But, Mr. President, I object and will vote against the Nickles amendment no matter how well-intentioned and support the Kassebaum alternative which I think really covers many of the issues of concern related to parental participation.

We are faced with an issue of tremendous sensitivity here for which there is no easy answer. The issue is whether or not a minor should be required by law to inform a parent or parents of her decision to terminate a pregnancy. And of course we all know that we would want parental participation. But, unfortunately, we do not have the luxury of looking at each case where a child and a parent could have that type of communication.

Mr. President, we know that a pregnant teenager in most cases is a child, with the decisionmaking abilities of a child. I know that parents should help their kids make the difficult decisions, and the decision about an unwanted pregnancy is one of the most difficult and heartbreaking one can make, even the most mature adult. You can imagine how awesome and frightening it is for the teenager, and in most cases the teenager will turn, with relief, for comfort and advice and support to her parents to help her decide. But, Mr. President, this is not always the case and as well as the families would like them to be, a teenager's best adviser should be a mom or a dad, but not everyone can go to a mom or a dad.

I wish for every young woman there was a supportive parent. We all do. But in today's world there are times when parental participation could be dangerous to the child. In some ways the parent himself might have been the one that is responsible for the child's pregnancy. There could be an emotionally dangerous situation, or even subjecting the child to physical harm. And then there is the awful situation where parental participation would be impossible because the parent is either too drunk or too drugged up to be able to perform a parental role.

So, Mr. President, I believe that adolescents in crisis need to be supported and they need guidance, but that support may not always be from a parent or a family member. That is why the Kassebaum alternative does say that a minor must have adult consultation and advice. Where it is not possible, either because the child will be endangered, the parent is incapable of performing the role or cannot be notified, you would have a competent, certified, licensed professional to give the advice and guidance for that child.

There is also a judicial arrangement for a child that is already functioning as a minor, in many cases a 17-year-old out on her own.

Mr. President, I actually prefer the Maryland law to any that is being proposed here today, but that is not what is being considered.

What the Kassebaum alternative does is provide for parental participation. The Kassebaum alternative provides that the best adviser is the mother or father, but it also says where that is not possible no child will have to go it alone. That is why I support her alternative as compared to the well-intentioned but I believe flawed amendment by the Senator from Oklahoma. So when my name is called, I will vote against Nickles and vote for Kassebaum.

Mr. President, I yield back the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, how much time is remaining on both sides?

The PRESIDING OFFICER. The Senator from Oklahoma has 8 minutes, and the Senator from Kansas has 10 minutes and 16 seconds.

Mr. NICKLES. Mr. President, I yield 4 minutes to the Senator from Indiana.

Mr. COATS. Mr. President, I thank my colleague for yielding. I also thank him for offering this amendment. This is almost identical to the amendment that I offered not too long ago on which this body voted. I do believe we had an ample amount of argument in support of and in opposition to that amendment.

The Senate voted on that in favor of that amendment.

So I do not believe we need a great deal of time here to restate all of the arguments. Essentially, I believe the question comes down to whether or not Members believe that the parents should play some role in making a decision for what many consider, and I certainly consider, one of the most important and critical areas in a young

girl's life. The question is should a 17-year-old, young girl or younger receive support, help, counsel, direction, guidance from at least one of her parents?

It is important for Members to understand that what this amendment does is not seek parental consent. We are not debating whether or not a parent's consent is necessary for this young girl to obtain an abortion. What this amendment does is it simply states that parental notification, this procedure, has been requested by their unemancipated daughter. And, therefore, parents or a parent has the opportunity to counsel and provide assistance and guidance for that young girl.

It is also important to acknowledge and understand that the amendment recognizes that there are exceptions where notification might jeopardize that young girl. Therefore, the exception of incest and rape and even parental neglect, child neglect, toward the young girl is provided for in this amendment.

The essential question is whether the Government should make this decision or whether parents should have the right to participate. I find it ironic that my daughter, my unemancipated daughter, could not receive an aspirin for a headache in school without my consent. Yet she could, without this amendment, receive an abortion without even my notification.

I think Justice Burger summed it up, former Chief Justice Burger of the Supreme Court, when he said, "The law's concept of the family rests on a presumption that parents possess what a child lacks in maturity, experience, and capacity for judgment required for making life's difficult decisions. More important, historically, it"—meaning the law—"has recognized that natural bonds of affection leave parents to act in the best interests of their children. The notion that Government power should supersede parental authority in all cases because some parents abuse and neglect children is repugnant to American tradition."

What we are doing today is recognizing the truth of what Chief Justice Burger said several years ago. It is impossible to imagine that an agency or an arm of government can better provide counsel and guidance to a young girl, 17 years of age and under, about to undergo a very serious physical emotional experience. I say we ought to come down in favor of notification of parents.

I thank the Senator from Oklahoma for yielding.

Mr. NICKLES. Mr. President, I thank my friend and colleague, Senator COATS from Indiana, for his statement and also for his leadership on this issue.

As stated before, it is not necessary in my opinion to debate this issue at length because of the valuable work that Senator COATS and, prior to Senator COATS, Senator ARMSTRONG have done. I compliment him for his leadership and also for his amendment, which I am hopeful that this amendment likewise will be adopted by the Senate.

I thank the Senator.

Mr. HATCH. Mr. President, I rise in support of this important amendment by my colleague, Senator NICKLES. I believe strongly that parents have the right to be involved in their teenager's decision of whether or not to have an abortion. I am surprised at the arguments against this legitimate interest of parents.

This amendment would require that organizations receiving title X funds notify one parent 48 hours prior to performing an abortion on a minor. There are important exceptions, including cases when there is a medical emergency or the incidence or risk of child abuse or neglect. In addition, this amendment will exempt organizations in States that have in effect a law requiring parental notification or consent prior to an abortion. Currently, 31 States have passed measures requiring parental involvement in the abortion decision.

It is already a well-known fact that any kind of medical or surgical procedure performed on a minor requires parental consent in almost every jurisdiction in America. This applies to the whole range of medical procedures including tonsillectomies, appendectomies, plastic surgery, and heart surgery. It even applies to such routine procedures as donating blood and receiving aspirin at school. It is nearly a universal custom, although not necessarily the law, for minors to obtain parental consent just to have their ears pierced.

How is it possible that abortion, a risky surgical procedure that can have serious and even deadly consequences, is exempt from this idea of parental notification, let alone parental consent?

Some people argue that parental notification laws do nothing to stem the growing tide of teenage pregnancy. However, according to a new study published in the March 1991 issue of the American Journal of Public Health, evidence suggests that a parental notification law in Minnesota reduced the number of abortions performed on minors as well as the birth rate for women aged 15 to 19 and that teenage pregnancies, births, and abortions continued to decline consistent with long-term trends.

Analyzing data on abortion, birth, and pregnancy rates among minor girls from 1975 to 1987, this study found that these rates "declined markedly" while the parental notification law was in force in Minnesota from 1981 to 1986. In addition, the rate of late term abortions also declined.

One possible inference from the study, that parental notification laws may help foster child-parent communication and more sober consideration by teenagers of the consequences of sexual activity, is supported by other evidence. Other studies have shown that parents typically react less negatively to an adolescent pregnancy than the adolescent expects. Parental involvement can correct this and other erroneous perceptions adolescents maintain as they approach difficult decisions in this life stage. Dr. Everett Worthington, associate professor of psychology at Virginia Commonwealth University, has concluded:

> [M]ost adolescents facing pregnancy related decisions can be assisted in these emotional decisions by adults. Furthermore, under most circumstances, the parents are the most qualified to help because they know the adolescent best and because they will share with their daughter the consequences of her decision.

The impact of parental involvement policies on the well-being of adolescents deserves deeper study, but the configuration of Federal laws and confused signals from the courts have helped to prevent efforts to learn if parental-friendly public policies can restore, even partially, the benefits of reduced adolescent risk taking behavior formerly achieved in American society by parent-teenager communication.

Federal policies and programs that weaken parental authority and replace the balances struck by several States between parental authority and adolescent maturity with a uniform, and demonstrably ineffective, national standard, should be reformed. For the next phase of family strengthening and child protective policymaking, parental involvement should become once again the norm, not the exception.

In addition, Mr. President, a 1987 Gallup Poll for Newsweek magazine showed that teenagers themselves are opposed to arrangements that tend to exclude parents from important decisions. More than half of adolescents, 54 percent, did not believe teenagers should be able to obtain birth control devices before age 16. More recently, a 1991 Gallup Poll showed that 69 percent of Americans support laws that require girls under 8 years old to get parental consent—not only notification but consent—before they have an abortion.

Strengthening the health of children should invariably mean strengthening the network of relationships, beginning with the family, in which the child lives. Dr. David Larson, a psychologist working at the Department of Health and Human Services, has written, "People who have active, bolstering relationships with others fare better. Healthy, caring, committed relationships with family or friends are health producing in the individual. * * * Consequently, physicians should regard the social support of each patient when considering prognosis." Public policymakers, therefore, must evaluate the contribution of the social support network of family when making prognoses

about the impact of proposed policies on the well-being of children.

Restoring the well-being of children means ensuring the strength of families, and the road to stronger families cannot be traversed by weakening the legal prerogatives parents have typically enjoyed. Families should have the primary responsibility for instilling traits such as discipline, healthy ambition, and respect for others. These responsibilities make up the sphere of legitimate parental authority that should not be undermined, but bolstered by society.

Mr. President, it should go without saying that the provision of birth control and abortion to minor children, especially by taxpayer funded programs, without even a notification to parents, undermines parents' authority and the values they are attempting to teach. Research has shown that such policies have disastrous results. They neither honor parents nor protect children.

I urge my colleagues to support Senator NICKLES' amendment.

Mrs. KASSEBAUM. Mr. President, I yield myself 4 minutes to speak in opposition to the Nickles amendment.

Mr. President, I am one who has long sought to find a compromise regarding parental notification. I think it troubles many of us that we cannot find some means of providing parental notification, which offers a support system for young women minors who are in need of that assistance, and at the same time protect those who come from dysfunctional families where there needs to be that protection.

The last time we considered this issue, there were two amendments, one by the majority leader, Senator MITCHELL, and one by the Senator from Indiana [Mr. COATS]. I am one who supported both, believing that there must be some means of finding a compromise that would be constructive in addressing this issue. On the one hand, I felt that one approach was too broad. On the other, I felt the other was too restrictive.

I do not want to spend a lot of time on Senator NICKLES' amendment because I will have an opportunity to speak to my own. I would like to say to those who are listening to consider when they come to vote that I will be offering an amendment that I believe addresses some concerns that I think are not addressed in Senator NICKLES' amendment. One concern is that the Nickles amendment would conflict with and would supersede less restrictive State laws. I believe it is very important to protect State laws and to let the States, where they will, determine their own conditions and circumstances under which a minor may have an abortion.

The Nickles amendment does not provide for counseling which would facilitate, I believe, the protection of minors whose family circumstances places them at risk of emotional harm. Again, some view this consideration as being too broad. I view it as an important protection.

There is no judicial bypass in the Nickles amendment. In that regard, I believe the amendment does not conform to the validity test of constitutionality set out by the Supreme Court in 1978, I believe.

Also, I am concerned that the Nickles amendment does not permit the performance of an emergency abortion when the minor's long-term health is seriously endangered and the physician determines there is insufficient time to provide the required notice. I am thinking, for instance, of urinary diseases, diabetes, and AIDS perhaps. I think these are special circumstances that we have to recognize when we are discussing this particular issue.

I think many of us are united in wanting to provide a support system and to involve parents where we can. I think it is very important, Mr. President, that we do so. But I think it is equally important that we make sure the safeguards are in place so that a minor is not endangered.

I yield.

Mr. NICKLES. Mr. President, I welcome my colleague's comments. I appreciate her efforts. Let me try to assure her that I think we have addressed almost all of the issues that she has raised in this bill. We have worked with Senator COATS and others to address their issues, because the Senator from Kansas makes some good points.

So we put in some exemptions to safeguard those young girls who might have been abused by their parents. We put in exemptions to safeguard young girls that may have their life threatened.

I will read from the language in the bill. It says:

> This section shall not apply in cases where the physician with the principal responsibility for making the decisions to perform the abortion certifies in the minor's medical record that she is suffering from a physical disorder or disease making the abortion necessary to prevent her death and there is insufficient time to provide the required notice.

So we have taken care of that exemption. The Senator from Kansas mentions the fact of States' rights.

I might just mention that we, in this language in the bill, wrestled with this because I happen to be a Senator who considers States' rights strongly. I served in the State senate. I do not like the Federal Government telling States what to do. I can tell you that you should understand that this amendment does not nullify any State parental notice laws; none. This bill says:

> Providing further, this section shall not apply to any States that have in effect enforceable laws requiring that a parent or legal guardian be notified or give consent to an abortion to be performed on a minor.

So if the State has an enforceable parental notice, we do not supersede that. We do not override it. We do not overturn it if the State has that law in effect. Many States do not.

If I understand the amendment of the Senator from Kansas—maybe we will address that later—but we are saying that if the State already has an enforceable parental notice on the books, we are not going to override it. That is not our intention.

I also will mention judicial bypass. We also say that—if you look on page 3—except that the State law may allow parental notification or consent to be waived only through judicial proceedings.

So if the State has a judicial bypass provision, they may use that procedure. If the child received a court order to waive the parental notification, they could do so. I do not think we overturn that. I do not believe we overturn the State laws. We are not treading on States' rights. We are saying if an entity receives Federal funds under title X that before a minor could receive an abortion they would have to notify at least one point.

Then we did, as I mentioned, put in several exemptions—girls who are victims of sexual or physical abuse or neglect by a parent.

We even exempt girls who are "at risk" of such abuse. We do mention in cases of alleged abuse, that abuse has to be reported to appropriate authorities. I do not believe this provision is in the amendment of the Senator from Kansas. We do not want somebody saying she might be at risk; therefore, the abortion can be performed. We state that if she is at risk, somebody should be notified. If she is afraid to go home because she has been sexually abused, raped, or a victim of incest, that should be reported. We need to protect that youngster. So we provide exemptions to protect these children.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NICKLES. Mr. President, I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mrs. KASSEBAUM. I do not intend to object, but this comes out of Senator NICKLES' time; is that correct?

Mr. NICKLES. Yes.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 3 additional minutes.

Mr. NICKLES. So there are two primary differences. Yes, we put in exceptions to protect young girls who do not have your all-American type families. Maybe they have, as Senator MIKULSKI mentioned, an alcoholic and abusive parent. We say that if she is a victim of incest or a victim of sexual abuse or parental neglect, notification would not have to take place, but appropriate State authorities would have to be notified. That is for the child's protection. That is in her interest. Yes, that

is a difference, and I think it is one of the reasons why our amendment is preferable. I hope my colleagues will support it.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ADAMS. Will the Senator yield 2 minutes?

Mrs. KASSEBAUM. How much time is remaining?

The PRESIDING OFFICER. The Senator from Kansas has 6 minutes and 49 seconds.

Mrs. KASSEBAUM. I will be happy to yield 2 minutes to the Senator from Washington.

Mr. ADAMS. I thank the Senator. I rise in opposition to the Nickles amendment. We have been through this argument before. Mandatory parental notification laws can have a devastating and tragic effect on young women confronted with an unintended pregnancy. All of us support communication between children and their parents. I am a father of four children, including two girls, and we do have communication. But good family relations cannot be mandated by a law.

In the State of Washington there is no requirement of parental notification for a minor to obtain an abortion. This amendment abrogates the authority of the States to determine what is in the best interests of its citizens.

This amendment by Senator NICKLES has no alternative notification, for example, to the court or to an alternative judicial bypass of some type. Therefore, it may well be unconstitutional.

Above all, what we are really dealing with here is the fact that there can be incest within these families; there can be tragic conditions, and in these tragic conditions—I am not just talking about the person with them—but after there is a reporting to the authorities, you have direct regulation and direct government interference right into the heart of the family.

I thought we were trying to do less regulation in this society that we have, but protect our people. The people that are counseled with regard to abortion, if we are allowed to have family planning clinics give information, if they are not gagged, and if we allow physicians to give information, they will counsel them always to talk with their parents. And this has been done and will be done.

I urge my colleagues to vote no to avert family tragedies throughout this country.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NICKLES. Mr. President, I ask unanimous consent to proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. So my colleague will know, if he reads my amendment on page 2, it says:

> This section shall not apply in cases where the minor declares that the pregnancy resulted from incest with a parent or guardian of the minor, or that she has been subjected to or is at risk of sexual abuse, child abuse, or child neglect by a parent or guardian, as defined by the applicable State law.

We have covered this example time and time again, and we go further and state that if that happens, it should be reported to the State authorities.

Mr. ADAMS. If the Senator will yield. We are dealing with families where you are living with uncles, cousins, brothers, all kinds of people. We are not just talking about just the parental person; we are talking about a whole world that this Senator is aware of. I do not think the Senator from Oklahoma is aware of it.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. NICKLES. I encourage my colleague from Washington to read the amendment. We state that if the child is at risk, that there is an exception in this amendment. Notification is not required. We have covered his complaint. If he would read the amendment, as described before us, there are not that many differences between the Nickles and Kassebaum amendment. We will discuss those later. We provide that if the child is at risk, the legal guardians would not need to be notified.

Mr. PACKWOOD. Will the Senator from Kansas yield 3 minutes?

Mrs. KASSEBAUM. Yes, Mr. President.

Mr. PACKWOOD. I thank the Senator from Kansas.

Mr. President, there is no provision in this amendment for States that have held a referendum on the subject of parental notification for abortion. If you have passed a parental notification law that requires notification, then you are grandfathered, exempted; then you are OK.

But Oregon, last year, on the ballot, voted on this subject in what is the ultimate test of democracy. It was on the ballot. It was heavily contested. The Oregon electorate decided they did not want the law. They voted it down. We are not exempt. This is a one-way street.

It is all right if a State has enacted parental notification; you are exempt from this law. But if in your sovereign rights you decided you did not want it, you get it anyway; what kind of a federal system is that? That is one serious objection I have to this. It crams down the throat of my State an action which they decided they did not want to take. I vociferously oppose the amendment on that ground.

Second, it is unconstitutional. There is no judicial bypass in this. That being the case then the Supreme Court made it very clear that this is unconstitutional.

Last, getting to the very significant issue here, I am in favor of parental involvement where it is rational and possible. But to compel by law parental notification is going to put many young women at risk.

We have seen some States that have drafted, I think, reasonable laws. Maine has. Maryland has. They would be exempt, because they have acted. Oregon would not.

So I encourage this Senate, for a variety of reasons: First, that it is unfair to the States who have acted in opposition to the wishes of the proposers of this; second, it is unconstitutional, because it has no judicial bypass; and third, many young women are at risk who are simply not going to take the risk of having a safe abortion if they have to have their parents notified, and they will die. We know that will happen. So I encourage this Senate to turn this amendment down.

I thank the Senator from Kansas for the time.

Mr. NICKLES. Mr. President, I ask unanimous consent for 2 minutes to respond to my colleague.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I want to just respond to my good friend and colleague, Senator PACKWOOD. One, my amendment does allow for judicial bypass where a State has enacted such a law. Two, on the State referendum, the State of Oregon had a referendum, and they voted against parental notification. Oregon does not have to take title X money. This amendment only applies to title X money and says that if you take family planning money, Federal money, there is going to be a string attached. Before you are allowed to use Federal money for abortions, you are going to have to notify the parents.

And so if the State wants to be void of that requirement, they can have totally State-funded facilities. They can have totally private-funded facilities. They can do all of that. We do not address that. All we do is say any entity that receives title X funds is going to have to notify the parents. I think that is the commonsense approach. If the State thinks it is too onerous, they do not have to take title X funds.

But we are not talking about trampling on State rights. We say: Hey, if you are going to take Federal dollars, you have to notify the parents before abortion is committed.

The Senator, my friend, mentioned several at-risk cases. I tell you, we have four exemptions taking care of young girls that might be at risk due to sexual abuse or incest, or "at risk" of such abuse. I think we have taken care of that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Kansas has 1 minute and 57 seconds.

Mrs. KASSEBAUM. I yield back that amount of time. No one else wishes to speak in opposition. I ask for the regular order.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. NICKLES. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 1107) of the Senator from Oklahoma. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. KOHL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 55, as follows:

[Rollcall Vote No. 185 Leg.]

YEAS—45

Bentsen	Dole	Lugar
Bond	Domenici	Mack
Boren	Durenberger	McCain
Breaux	Exon	McConnell
Brown	Ford	Murkowski
Burns	Garn	Nickles
Byrd	Gramm	Nunn
Coats	Grassley	Pressler
Cochran	Hatch	Reid
Conrad	Hatfield	Roth
Craig	Heflin	Shelby
D'Amato	Helms	Smith
Danforth	Johnston	Symms
DeConcini	Kasten	Thurmond
Dixon	Lott	Wallop

NAYS—55

Adams	Harkin	Pryor
Akaka	Hollings	Riegle
Baucus	Inouye	Robb
Biden	Jeffords	Rockefeller
Bingaman	Kassebaum	Rudman
Bradley	Kennedy	Sanford
Bryan	Kerrey	Sarbanes
Bumpers	Kerry	Sasser
Burdick	Kohl	Seymour
Chafee	Lautenberg	Simon
Cohen	Leahy	Simpson
Cranston	Levin	Specter
Daschle	Lieberman	Stevens
Dodd	Metzenbaum	Warner
Fowler	Mikulski	Wellstone
Glenn	Mitchell	Wirth
Gore	Moynihan	Wofford
Gorton	Packwood	
Graham	Pell	

So the amendment (No. 1107) was rejected.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, under the agreement now in effect the Senator from Kansas is to be recognized to offer her amendment relating to the subject of parental notification, with 20 minutes equally divided, controlled between Senators KASSEBAUM and NICKLES.

In view of the fact that there has been a substantial debate, I now ask unanimous consent that that time be reduced to 10 minutes equally divided. And I hope that my colleagues will permit us to proceed. That will enable us to complete action on this and other business and conclude our business at a relatively early hour this evening.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now ask unanimous consent the previous agreement be modified to clarify that the amendment of Senator NICKLES is to the excepted committee amendment on page 18; and that upon disposition of Nickles amendment the Senator now proceed to vote on the committee amendment as amended, if amended; after which the Senate proceed to the consideration of the Kassebaum amendment, with no second-degree or tabling motion in order; and that upon the using or yielding back of the time of the Kassebaum amendment, the Senate proceed to vote on the Kassebaum amendment; after which the Senate resume consideration of the amendment of Senator HELMS, No. 1106 under the previously agreed upon conditions.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, will the Helms amendment complete the final vote?

Mr. MITCHELL. Yes, that will be it for the evening.

Mr. CHAFEE. And what is the time limit between the conclusion of the Kassebaum—how much time is there on the Helms amendment?

Mr. MITCHELL. A maximum of 45 minutes. It is my hope that not all of that time will be used.

Mr. CHAFEE. I thank the majority leader.

Mr. MITCHELL. Mr. President, in response to that question it is my hope we can start the last vote at about 7:15.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the committee amendment beginning on page 18, line 5.

The committee amendment beginning on page 18, line 5, was agreed to.

The PRESIDING OFFICER. The Senator from Kansas is recognized to offer her amendment.

AMENDMENT NO. 1108

(Purpose: To require entities receiving assistance under title X of the Public Health Service Act to provide for parental notification in the case of minor patients who request an abortion)

Mrs. KASSEBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM] proposes an amendment numbered 1108.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . (a) No funds shall be made available under title X of the Public Health Service Act to an entity applying for a grant under such title unless the entity agrees that the entity will not perform an abortion on an unemancipated minor under the age of 18, and will not permit the facilities of the entity to be used to perform an abortion on such a minor unless there has been compliance with one of the following:

(1) The attending physician receives consent, in writing, to the performance of an abortion on such minor from an individual over the age of 18 who is a parent, grandparent, or aunt or uncle of the minor or a legal guardian of the minor; or

(2) A written notification is provided to a parent or legal guardian of the minor stating that an abortion has been requested for the minor, and 48 hours elapses after the notification is provided to the parent, except that notification may be delivered personally by a physician or the physician's agent, in which case 48 hours elapses from the time of making personal delivery, or notification may be provided through certified mail, return receipt requested, restricted delivery addressed to a parent or guardian at that individual's dwelling house or usual place of abode (as defined by rule 4 of the Federal Rules of Civil Procedure for the United States district courts). The notice, if delivered by certified mail, shall be considered to have been received at 12:00 p.m. of the next regular mail delivery day; or

(3) The physician with principal responsibility for making the decision to perform the abortion certifies in the minor's medical record that she is suffering from a physical condition that constitutes an emergency or makes the abortion necessary to prevent the death of the minor; or

(4) A court of competent jurisdiction has issued an order, after a confidential, expedited judicial procedure has been conducted enabling the minor to obtain a judicial determination that the minor is mature enough and well enough informed to make the abortion decision, in consultation with the physician of the minor, independently, or that the abortion would be in the best interests of the minor, granting the minor the right to consent to the abortion; or

(5) A licensed or certified counseling professional, who does not have any financial relationship with the physician who is to perform the abortion or with the facility where the abortion is to be performed, certifies in writing that the notification of a parent or legal guardian of the minor could reasonably place the minor at risk of physical abuse or emotional harm. Such certification shall be based on a clinical assessment made by such counseling professional, shall state the basis for the decision of such professional (such as an assessment that the minor may be subject to child abuse or incest, may reside in a family environment where a parent or guardian is an alcoholic or abuses drugs, or may reside in a family environment where a parent or guardian is prone to violence or inclined to inflict physical or emotional harm if such notification were provided), and shall be supported with appropriate recordkeeping. The assessment shall be based on the totality of the circumstances surrounding the minor, her pregnancy, and her family environment.

(b) The requirements of subsection (a) shall not be applicable in a State after the date on which a referendum or initiative has been

held, or on which legislation has been enacted, in that State concerning the conditions or circumstances under which abortions may be provided to unemancipated minors.

Mrs. KASSEBAUM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. SHELBY). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. KASSEBAUM. Mr. President, during the debate on the Title X Pregnancy Counseling Act of 1991 two amendments were passed that would require that parents receive notification before an adolescent receives an abortion. Although these amendments took different approaches to the question of parental notification, I voted for both. I believe that a compromise between these two amendments could facilitate a constructive approach to the notification issue.

Today, I am offering an amendment which was crafted as a compromise between the parental notification amendments previously introduced by Senator COATS and Senator MITCHELL. I have always believed that there should be, for adolescents, parental notification in advance of an abortion. This amendment recognizes the critical role of parents in this tragic, emotional decision. Parents can and should be the primary source of counseling and support for their children—particularly when that child is facing the crisis of an unintended pregnancy.

Unfortunately, notification of the pregnancy of a teenage daughter in a dysfunctional family may unwittingly precipitate a violent reaction against the child or other members of the family. I would like to believe that few families would react this way. However, the prevalence of child abuse and domestic violence clearly demonstrates that this is a problem that must be addressed. My amendment provides sufficient bypass mechanisms to ensure the safety of adolescents who may be placed at risk, physically or emotionally, by parental notification.

This compromise amendment will require agencies receiving funds under title X of the Public Health Service Act to meet one of the following conditions before an abortion can be performed on an unemancipated minor under the age of 18:

The attending physician receives the written consent of the minor's parent, grandparent, aunt, or uncle; or

Written notification is provided to the parent or legal guardian 48 hours prior to the performance of an abortion; or

The attending physician certifies that the minor is suffering from an emergency condition which requires the performance of the abortion; or

A court of competent jurisdiction has issued a determination that the minor is mature enough and well enough informed to make the abortion decision or that the abortion would otherwise be in the best interest of the minor; or

A licensed or certified counseling professional certifies in writing that the notification of a parent or legal guardian could reasonably place the minor at risk of physical abuse or emotional harm.

It is my intent that clinics operating under this amendment would be required to inform minors fully of all the alternatives to notifying their parents or legal guardian. In considering all the options, it is my hope that the clinic staff and the minor could reach a mutually agreeable decision about a course of action based on the minor's individual circumstances. In addition, I would expect that the clinic would have in place not only a procedure for notifying the parent, but that the clinic would also facilitate any alternative course of action identified under my amendment. For example, if a judicial option is appropriate, the clinic should be prepared to direct the minor on how to initiate the process. Similarly, if it is advisable that the minor be seen by a certified or licensed counselor, the clinic should be able to help the minor identify a qualified professional.

I also would like to elaborate on the counseling option included in my amendment. Deference should be given to a professional, licensed counselor as to the effect that parental notification would have on the minor's emotional well-being. The amendment requires that the counselor have no financial interest in whether or not the abortion is performed. There are a broad range of circumstances that could adversely affect the minor's long-term psychological and emotional health. Those identified in the amendment are merely examples and are not meant to be exhaustive of the possibilities. Rather, my intent is to allow for flexibility to account for each individual's real life situation and the impact of the pregnancy or the decision to terminate the pregnancy on the totality of the minor's circumstances.

The amendment would not be applicable in a State where a referendum or initiative has been held or where legislation has been enacted concerning the conditions or circumstances under which abortions may be provided to unemancipated minors.

This legislation will acknowledge the critical role that an adolescent's family needs to play in this very difficult decision, while balancing the protection needed by those adolescents who may be physically or emotionally endangered if the parents are made aware of the pregnancy or the child's decision to have an abortion.

Mr. President, we have already had some debate on this issue. I appreciated the support from many on this issue.

I believe that all of us share a concern about how best to provide for constructive notification regarding abortions for minors. I feel that my amendment is a compromise between the positions considered in the last votes on this particular issue.

I would just like to state again where I believe there is a significant difference in my approach from that of the amendment of Senator NICKLES, although there are many things that are similar in the two amendments.

First, my amendment protects States rights. Some States may have determined that they do not want parental notification or consent laws. I believe those States that have determined that, either by a referendum or in statute, should be protected. I have felt strongly, no matter what their position might be, that the States in that instance have spoken. If they have spoken, their decisions should be protected.

I would also say, regarding the role of counselors, that most counselors and medical personnel are already required by State mandated reporter laws to report suspected cases of child abuse and refer them to State protective services or law enforcement agencies. That is something I think is already protected.

My amendment has several parts, which I would like to summarize.

Under my amendment, title X agencies will not be permitted to perform an abortion on an unemancipated minor under the age of 18 or allow, their facilities to be used to perform an abortion on such minor unless one of the following conditions is met:

One, parental consent is provided, where the facility receives written consent of an abult of the immediate family.

Two, parental notification is provided 48 hours prior to the operation.

Three, in the case of an emergency, the attending physician certifies the minor is suffering from a physical condtion which constitutes an emergency or life-threatening situation. This could include health emergencies, such as diabetes or AIDS.

Four, there, is a judicial order provision which applies when a court of competent jurisdiction has issued an order granting the minor the right to consent to an abortion.

This judicial bypass is important and protects the constitutionality, as outlined in the Bellotti decision, of the amendment.

Five, physical or emotional threat to a minor is addressed. This is when a licensed or certified counseling professional certifies that notification of a parent or guardian could place the girl at the risk of physical abuse or emotional harm.

I would underscore that no one giving this counsel or advice can have a financial relationship to a facility performing abortions. The counselor must be someone who has no vested interest in that case.

Six, a States rights provision provides that notification or consent will not be required in any State which has or in the future passes a referendum-initiative or has enacted a statute-constitutional amendment concerning the conditions or circumstances under which abortions may be provided to unemancipated minors.

I will be glad to answer any questions. I know there are others who wish to speak. As I say, I believe this is a compromise that does offer appropriate protections and also provides a supportive network for teenagers who need that kind of assistance at a particular time of great emotional stress. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time? The Senator from Florida.

Mr. GRAHAM. Will the Senator from Kansas yield for a question?

Mrs. KASSEBAUM. I will be happy to do so.

Mr. GRAHAM. Mr. President, I am concerned about the State preemption provision. The Senator used the term "applicable in the State after the date on which a referendum or initiative has been held." Is that phrase broad enough to include a State constitutional amendment which was adopted by popular vote?

Mrs. KASSEBAUM. Mr. President, yes, it does. I have checked that with those who have greater knowledge. The language of my amendment provides for that protection. I know that has been a question in Florida as well as in California.

Mr. GRAHAM. The second question is, in that State concerning circumstances under which abortions may be provided, in my State, by constitutional amendment, we have adopted a State right of privacy which the Supreme Court of our State has interpreted relative to its applicability to a parental consent statute. Would it be the Senator's understanding that our State constitutional provision would be the governing provision in Florida and gain the benefit of this overriding Federal law which the Senator provides?

Mrs. KASSEBAUM. Mr. President, again, it is my understanding that the language would allow for States' constitutional law to prevail.

Mr. GRAHAM. I thank the Senator.

The PRESIDING OFFICER. The time of the Senator from Kansas has expired. Who yields time?

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I might ask the Chair, I believe I am in charge of the, what, remaining 5 minutes?

The PRESIDING OFFICER. Five minutes; the Senator from Oklahoma is correct.

Mr. NICKLES. I yield to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, the Senator from Kansas and I have had a number of discussions about this particular issue. There is no doubt in my mind that she shares my concern for the plight of a young girl who finds herself in a difficult situation. We have had some difference of opinion as to the basis on which parents ought to be notified. There is no doubt in my mind that the Senator from Kansas believes that that is preferable. What she is concerned about are exceptional situations where notification of a parent might result in some physical harm, emotional abuse, or some other thing that is detrimental to that child.

My only concern with this particular amendment is that the exemption for physical or emotional threat to a minor is such that, one, there may be a lot of loopholes for someone who does not want that minor to notify her parents to use that as an excuse not to when, in fact, I think we would both agree that notification in almost every instance is probably preferable.

My other concern is that notification may be denied on the basis of someone who is very broadly defined, for instance, there is an alcoholic in the house, and so forth, and that is not reported. If a child comes to a professional and says, "I don't want you to tell my parents that I'm going to have an abortion because I might suffer physical violence or because I am the victim of incest or abuse," and that is not reported then to the authorities, sure, the child may go ahead and have the abortion, but no one is notified that a potentially dangerous situation exists within that family or within that family circumstance.

So the failure to report that to the authorities so they can follow up with counseling, help, whatever, I think is a major problem of this amendment. I am concerned that in agreeing to it, we are not dealing with a situation that ought to be dealt with. I thank the Senator from Oklahoma for yielding to me.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, let me just comment on Senator KASSEBAUM's amendment. I plan to support this amendment. It does not do as much as what I had hoped to do under my amendment, or even under the Coats amendment that we voted on before. But I happen to think it is better than nothing.

I want to notify parents that their children are in a difficult situation if they happen to be pregnant. I think the parent should be involved in that decision. They should be involved in trying to help their kids.

I think in some circumstances the amendment of the Senator from Kansas will do that. It will not do it as many times as my amendment would do it, and it will not do it in certain States, not as many States.

Again, I happen to be a supporter of States rights, but I also think if they are receiving Federal funds there should be some strings attached to those funds. We did not win on my amendment. I appreciate that; I respect that.

I compliment my colleague from Kansas. I think her amendment is certainly better than nothing, and I hope that the Senate will agree to it by an overwhelming vote.

Mr. KOHL. Mr. President, section 146.78 of the Wisconsin statutes was enacted as part of the omnibus Pregnancy Prevention and Family Responsibility Act—Act 56, 1985. It states, among other things, that health care professionals who provide abortions must strongly encourage a minor to discuss her pregnancy and proposed abortion with her parents. Medical providers must inform the young woman that, if she requests, the county will provide a social worker to accompany her in discussing the situation with her parents—Wisconsin Statutes 46.24.

Is my understanding correct that due to this existing Wisconsin legislation, under this proposed amendment, the title X grantee in Wisconsin would be exempt from the requirements as outlined in the amendment?

Mrs. KASSEBAUM. Yes; that is correct.

Mr. CRANSTON. Mr. President, I would like to clarify the effect of subsection (b) of the amendment proposed by the Senator from Kansas.

It is my understanding that the requirements of section (a) of the amendment would not be applicable in any State which has enacted legislation concerning the conditions or circumstances under which abortions may be provided to unemancipated minors. A number of States, including California, have enacted legislation in this area which has been enjoined by State or Federal courts or otherwise not being enforced. In the case of California, such State legislation has been held to violate provisions of the State constitution, *American Academy of Pediatrics* v. *Van De Kamp*, 263 Cal. Rpt. 46 (1989). Does the Senator from Kansas agree that the requirements of subsection (a) of the amendment would thus not be applicable in a State such as California?

Mrs. KASSEBAUM. Yes.

Mr. WIRTH. The situation in the State of Colorado is the same. A State law dealing with this issue has been enjoined.

Mr. ADAMS. That is the case in the State of Washington as well.

Mrs. KASSEBAUM. Then subsection (a) of the amendment would not be applicable in Colorado or Washington or any other similarly situated State.

Mr. CRANSTON. I thank the Senator from Kansas for her responses.

Mr. KOHL. Mr. President, I want to commend my colleague from Kansas for her work on this amendment and extend her my support.

This is a difficult issue, as we have all come to appreciate. There is little middle ground and beliefs are strong on both sides.

I believe in a woman's right to choose and I will always defend that right. But I also believe that when it comes to unemancipated minors, there is a value to parental involvement in the vast majority of cases.

I have struggled a great deal trying to strike a balance between those beliefs. I understand that not all young women are fortunate enough to have parents with whom they feel they can discuss their pregnancy and abortion decision. And to acknowledge that reality, there are reasonable bypasses in this amendment, unlike other proposals that have been before the Senate.

But in the majority of instances, I do believe that there is a value to parental involvement that can and does serve minor women in these circumstances. There is simply something to be said for the family, something to be said for talking this important decision through with someone who knows you, who loves you, and who wants to help.

For those who could not understand what they called the inconsistency of the recent votes on this issue, let me offer this: Guaranteeing the right to choose does not guarantee that the decision is an easy one. It does not guarantee that a minor can make that decision without full consultation. And somewhere between giving minors those guarantees and taking away their right to choose altogether—that's where the best public policy is served.

I believe the amendment before us strikes that balance in a way that is fair to the young woman, fair to her family, and fair to those States—like Wisconsin—who have addressed this issue through informed consent laws. This amendment exempts States like Wisconsin who have enacted legislation concerning the conditions or circumstances under which abortions may be provided to unemancipated minors—whether or not that State prohibits or allows notification.

Again, I thank my colleague from Kansas and I urge support for her amendment.

Mr. SEYMOUR. Is it the intention of the Senator from Kansas that Federal funds will be provided to these minors for the counseling option, recognizing that the counselor does not have a financial relationship with the physician or clinic where the abortion is to be performed?

Mrs. KASSEBAUM. I think that it is important to assure that the counselor is not financially connected to the clinic where the procedure is to be performed. The clinics will provide a list of resources to the minor where she might find counseling at no cost such as a school guidance counselor, social worker, and counseling certified member of the clergy. Title X funds will not be provided for such funding, but counselors that could assist the minor may indeed be federally funded through other programs.

Mr. SEYMOUR. If I may ask one further question. In rural areas where certified counselors may be scarce, will a certified clergy or a physician be able to take the place of a counselor?

Mrs. KASSEBAUM. The counselor must be a licensed or certified counseling professional regardless of location. The majority of title X clinics providing abortion services are located in areas with additional support services nearby. Minors from rural areas will have to travel to attend these clinics at the outset.

Mr. SEYMOUR. I thank the distinguished Senator from Kansas for clarifying these points.

Mr. LEVIN. Mr. President, I would like to ask the Senator from Kansas for a clarification of the parenthetical phrase on page 3 of her amendment. Are the bases for the decision by a certified counseling professional listed in the parenthetical phrase meant to be examples of justifications for the certification or are they meant to be an exclusive list?

Mrs. KASSEBAUM. The items that the Senator from Michigan refers to in the parenthetical phrase are meant to be examples and not an exclusive list.

Mr. LEVIN. I thank the Senator for her clarification.

Mrs. KASSEBAUM. I believe, Mr. President, my time is all gone; is that correct?

The PRESIDING OFFICER (Mr. KOHL). The Senator from Oklahoma has 50 seconds.

Mr. NICKLES. Mr. President, I am prepared to yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the Kassebaum amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 8, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—92

Akaka	Bumpers	D'Amato
Baucus	Burdick	Danforth
Bentsen	Burns	Daschle
Biden	Byrd	DeConcini
Bingaman	Chafee	Dixon
Bond	Coats	Dodd
Boren	Cochran	Dole
Breaux	Cohen	Domenici
Brown	Conrad	Durenberger
Bryan	Craig	Exon
Ford	Kohl	Rockefeller
Fowler	Leahy	Roth
Garn	Levin	Rudman
Glenn	Lieberman	Sanford
Gore	Lott	Sarbanes
Gorton	Lugar	Sasser
Graham	Mack	Seymour
Gramm	McCain	Shelby
Grassley	McConnell	Simon
Harkin	Mikulski	Simpson
Hatch	Mitchell	Smith
Hatfield	Moynihan	Specter
Heflin	Murkowski	Stevens
Helms	Nickles	Symms
Hollings	Nunn	Thurmond
Inouye	Pell	Wallop
Johnston	Pressler	Warner
Kassebaum	Pryor	Wellstone
Kasten	Reid	Wirth
Kerrey	Riegle	Wofford
Kerry	Robb	

NAYS—8

Adams	Jeffords	Metzenbaum
Bradley	Kennedy	Packwood
Cranston	Lautenberg	

So the amendment (No. 1108) was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1106

THE PRESIDING OFFICER. The question occurs on amendment No. 1106 offered by the Senator from North Carolina. The debate is limited to 45 minutes, with 30 minutes under the direction of Mr. HARKIN and 15 minutes under the direction of Mr. HELMS.

Who yields time?

Mr. HARKIN addressed the Chair.

THE PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I yield 15 minutes to the distinguished Senator from Missouri.

Mr. DANFORTH. Mr. President, the last time this issue was before the Senate in a slightly modified form, it was on July 26 of this year. At that time, we had a rollcall vote on a tabling motion, and the vote to table the amendment was 71 to 28.

The Senate has spoken, although, as I say, there is a slight modification in the proposal that is before us. To say the least, this is an attempt to legislate on an appropriations bill. It is a revisiting of an old issue, and it is part of a continuing strategy to harp constantly on the race issue, on the quota issue.

(Mr. BINGAMAN assumed the chair.)

Mr. DANFORTH. Mr. President, as part of a steady drumbeat of an effort to constantly raise the issue of racial politics, that may or may not be great politics. I do not happen to think it is good. But I know it is divisive for this country, and for that reason, I think it should be avoided.

What we are talking about in the amendment that is now before us is not the question of quotas. I am confident that if we have a vote on the issue of quotas, on the issue of governmentally mandated racial preferences, or gender,

or other preferences, almost everybody in the Senate would vote against quotas. That is not the issue that is before us.

What is before us is a question of private action, not governmental action, and whether we are going to vote in the U.S. Senate to reach into the private sector and say to the private sector: No, in such-and-such a business decision, you cannot do it.

Business decisions are very narrow under title VII of the Civil Rights Act. The Supreme Court has said that a business can only adopt its own preferential hiring program voluntarily under two limited circumstances. One circumstance is that the employer has had a history of discrimination, and the other circumstance is that there is, and I am quoting the Supreme Court: "a manifest racial imbalance in traditionally segregated job categories."

So all we are talking about here is a situation in which the employer says: Look, we have a problem, and the problem is either that, in our business, we have a history of discrimination, or that there has been a manifest racial imbalance in traditionally segregated job categories, and we want to fix this problem. We want to fix it voluntarily. We do not want to wait for a court order. We want to fix a problem that is a real problem in our work force.

In one case, Johnson versus Transportation Agency, one particular job category had 238 men and zero women, and the employer said: For the next opening, we are going to hire a woman, and we have found that woman, and she is qualified.

Yet, on some test scores, her test scores were slightly less than a male candidate. And the Supreme Court said that is fine. And this amendment, Mr. President, would say that is not fine, it is unlawful. It is unlawful for an employer, where he has 238 men and zero women, to say: For the next job, if we find a qualified woman, we are going to hire her. That is going to be unlawful under this amendment.

Mr. President, many people complain about the overreach of the Federal Government, but how can we complain about the private sector trying to operate its business in a way that it thinks is in its best interest? Let us suppose an employer wants to sell to customers in the innercity, and the employer does not have enough blacks on the work force, and they say: Hey, we really want to hire some blacks, because that is good business.

This amendment would say, oh, no, that is unlawful. Let us suppose, as in the case told to me by one of our colleagues, who was a Governor at one point; the State highway patrol in his State was virtually all white, and this Governor said to the highway patrol: I want you to start hiring some minorities. That would be unlawful. I think we are interfering with private decisions in this amendment, and I think that is a bad tactic, much less the damage that is caused by constantly bringing up this kind of divisive issue.

Mr. President, in a very different context, yesterday I noted that today in America, a third of black families are living in poverty. Nearly one-third of young black men do not have jobs, and the average income of blacks in America is not much more than half that of whites.

What are we to do about that? Maybe some people would say let us do nothing about it. But we have a problem in this country. We have a problem of a major disparity in opportunity in America, and most of us are concerned about heavy-handed governmental programs that set up quotas, goals, timetables, and the like.

Is our answer that we are going to do nothing about this problem? Why not at least give the private sector an opportunity to help correct a problem that clearly has to be solved. If there is a business out there that has a social conscience, much less a desire to appeal to a public that it is trying to sell to, and it wants to be part of the solution, why not let it be a part of the solution?

Why not let a college, for example, that wants to have some black people on the faculty as role models for black students hire a black faculty without falling afoul of title VII of the Civil Rights Act? Would it not be a bizarre consequence of title VII, bizarre consequence, if we amended title VII to prohibit voluntary efforts to solve historic racial discrimination?

Again, the only cases in which these programs can be lawfully used are cases where there has been a history of discrimination or a history of segregation in this job category. That is the narrow category of cases we are talking about. For the Senate to say that the private sector cannot even solve cases of historic discrimination is such a twisting of title VII that maybe it would make a great 30-second campaign commercial. But it is ridiculous Government policy.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, will the Senator yield 5 minutes?

Mr. HARKIN. I yield 5 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KENNEDY. Mr. President, our friend and colleague, Senator DANFORTH has summarized the issue which is before the Senate this evening. If this particular amendment were to become law, and I certainly hope that it will not, it would have a dramatic impact on the lives of millions of Americans. There is no question about that. We are asked to debate this issue in the final moments here of a very full and complete day, on which Senator DANFORTH along with virtually the entire membership of the Judiciary Committee have been involved in the confirmation hearings for Judge Clarence Thomas. Mr. President, during those hearings we heard enormously interesting, compelling comments on a variety of issues from a nominee who is a candidate for the Supreme Court.

The Helms amendment is an extremely important and serious matter. As Senator DANFORTH pointed out, it is not an issue of quotas. I would agree with him that an overwhelming portion of the membership of this body is opposed to establishing numerical requirements for any American employer, whether it is in the private or the public sector.

Mr. President, this issue will be debated and discussed, as it should be, on a measure that will be before this body when the Senate of the United States considers the civil rights bill. And that is the appropriate place for the debate and the discussion. All of the Members who are interested in this subject have made extremely serious efforts to try to free whatever decision is made from the kind of divisiveness that all of us in this body and all Americans, I believe, deeply want to avoid. So, I say to those who support this measure, we will have a full opportunity to debate this issue when the Senate considers the civil rights bill. That is the appropriate vehicle, and that is the time to fully debate this matter.

This particular amendment, if it were to become law, would overturn five Supreme Court decisions. The case that Senator DANFORTH mentioned, Johnson versus Santa Clara, was decided six to three. It involved an employer which did not employ even one woman in a job classification with 238 positions. The only test that this woman scored lower on was a subjective interview; not a mathematical test, a subjective test. Of her two interviewers, one had been her supervisor and had refused to distribute coveralls to her until she wore out all of her clothes. He was one of the members that gave this woman a 75 instead of a 77. And one of the two other interviewers referred to her as a "rebel-rousing, skirt-wearing person." Clear bias, clear bias by two of the three members of that subjective panel, and still she only scored two points less and was selected by the employer as being eminently qualified for this position. And the Supreme Court found in an opinion by Justice Brennan that she should be able to have that particular position.

Mr. President, if that employer were to state that it had a pattern and a record of discrimination and therefore wanted to take remedial action, that employer would be subject to hundreds, perhaps even more, claims against it for past discrimination.

Senator DANFORTH has pointed out what I think is the understanding of the Supreme Court, and that is to try to provide encouragement to the private sector. We hear so much around here from many Members that we should allow employers to work out discrimination claims through reconciliation. Let us try to see if the private sector can provide some remedies in this area. And, Mr. President, there has been some progress, perhaps not as much as some of us might like, but there has been some progress by conscientious employers.

This particular amendment would in a very cynical, important, and serious way undermine a very important aspect of public policy. We must find a remedy for one of the most difficult and complex problems this Nation is facing: the division on the basis of race, gender, and disability.

We should not hastily adopt legislation that would, in the name of abolishing quotas, also invalidate other valuable efforts to increase the representation of women and minorities in our Nation's workplaces—efforts which have been approved by the Supreme Court and which have been relied on by Presidents Bush and Reagan.

No one supports quotas. If that is all this amendment did, it would be adopted unanimously. But in the name of opposing quotas, this amendment goes far beyond that goal and embarks on a search-and-destroy mission to destroy many forms of affirmative action as well.

Today we are faced with a slightly modified proposal from the version rejected 71 to 28 last June. Its author claims it will not ban all affirmative action. Although I appreciate the efforts of those on the other side of the aisle to respond to our concerns in this area, the amendment does not accomplish what its author says it does.

The amendment bans all consideration of race, gender, religion or national origin, except affirmative action programs to recruit qualified minorities and women to expand its applicant pool.

The amendment would ban the many other forms of affirmative action that our Nation agrees are appropriate tools to use in eradicating employment discrimination. And it would overrule all five of the Supreme Court's principal decisions upholding affirmative action, because each of them addressed programs which did not include, or went beyond, mere outreach and recruitment.

The Helms amendment violates our Nation's shared recognition that, under certain circumstances, it is appropriate to try to increase the representation of women and minorities in our Nation's workplace by engaging in affirmative action.

President Bush and Reagan have both recognized the importance of affirmative action and have taken steps which, had this amendment been law, would have been illegal. Similarly, the Supreme Court has repeatedly recognized the valuable role played by affirmative action and has developed a body of law defining the circumstances under which such efforts may be undertaken.

We should not respond to the false cry of quotas by abandoning a valuable tool which has been invoked by the past two Republican Presidents and approved repeatedly by this Nation's highest court.

President Reagan personally illustrated that one can oppose quotas and unfair advantages without also opposing appropriate affirmative action efforts. A long-time opponent of quotas, he promised in the closing days of his 1980 Presidential campaign to name a woman to fill one of the first Supreme Court vacancies. He stated:

> I oppose tokenism, and I oppose setting false quotas. * * *
>
> I am also acutely aware, however, that, within the guidelines of excellence, appointments can carry enormous symbolic significance. This permits us to guide by example, to show how deep our commitment is and to give meaning to what we profess. * * *
>
> One way I intend to live up to that commitment is to appoint a woman to the Supreme Court. I am announcing today that one of the first Supreme Court vacancies in my administration will be filled by the most qualified woman I can possibly find, one who meets the high standards I will demand for all court appointments. It is time for a woman to sit among our highest jurists.

True to his promise, President Reagan nominated Sandra Day O'Connor to fill the first Supreme Court vacancy during his tenure. In announcing the nomination, the President explicitly referred back to his campaign promise that one of his first Supreme Court appointments would be a woman.

Mr. President, the Helms amendment would ban what President Reagan did with respect to the O'Connor nomination. Make no mistake about it, if the Helms amendment had been law in 1981, President Reagan would have been committing an unlawful employment practice when he appointed Sandra Day O'Connor to the Supreme Court.

President Reagan did not stand alone in recognizing that there is an important distinction between granting unfair preferences and engaging in appropriate affirmative action. President Bush—undeniably a staunch opponent of quotas—has made clear that he supports efforts to seek out women and minorities to fill vacancies on the Federal bench. Just 2 months ago, then-Attorney General Thornburgh reiterated that the President wants to make judicial appointments "that reflect the diversity of our society," and instructed his staff to be sure to include the names of qualified women, blacks, Hispanics, and persons with disabilities on lists of potential nominees to fill the Supreme Court vacancy created by Justice Marshall's resignation.

One could perhaps argue that President Bush's efforts constitute mere outreach, which this amendment would permit. His nomination of Judge Clarence Thomas to the Supreme Court, however, makes clear that President Bush does not wish only to identify more minority candidates, he wishes to appoint more minority candidates. Although the President stated that his decision to nominate Judge Thomas to serve on the Supreme Court was not based on Thomas' race, he has acknowledged that "[t]he fact that he's a minority, so much the better."

After the nomination was announced, administration officials said that the President focused almost exclusively on minority and female candidates. Even Senator DOLE told the press that race was probably one of the factors President Bush considered in selecting Judge Thomas. If the Helms amendment were the law, President Bush would have committed an unfair employment practice.

In July, while discussing Justice Marshall's resignation, Senator HATCH joined the ranks with those who recognize that one need not oppose any consideration of race to oppose quotas. He stated:

> I think it's fair for black people and other minorities to hope and to want somebody who is a minority on the court. I personally do too. I don't think that should be the sole determining factor.

This amendment, however, would ban what even Senator HATCH would permit: it would prohibit any employer from considering an applicant's race even as one factor in a decisionmaking process. It would prohibit an employer from setting goals and timetables around which to focus its affirmative action efforts—an approach approved of repeatedly by the Supreme Court and by President Bush.

Many opponents of the civil rights bill argue that the Federal Government should not interfere with an employer's ability to run his business in the way he sees fit. But this amendment would represent a tremendous intrusion into the freedom of employers to define job practices that suit their needs. Current laws do not force employers to provide preferential treatment to any employee or applicant—indeed, title VII explicitly states that it does not require preferential treatment—and the Supreme Court has developed a body of case law to ensure that employers who choose to engage in affirmative action do not go too far. We should leave employers free to decide where, within this range of permissible behavior, their needs are best met.

This amendment should not be considered on this bill, and I urge my colleagues to join with me in opposing this amendment.

So, Mr. President, I hope that this legislation on an appropriations bill

would not be considered on the basis of its merits, but that we would have the opportunity to debate these measures when we consider the civil rights legislation. There will be ample opportunity to do so before we adjourn in this session.

I withhold the remainder of the time.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Idaho is recognized. Who yields time?

Mr. HELMS. I yield such time as he may require.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. I thank the Senator from North Carolina.

Mr. President, I rise to support the Helms amendment. I just listened with interest to my two colleagues' comments, and I note that they are both tied up today on the important matters of the Judiciary Committee. I commend my friend, the senior Senator from Missouri, for the work he has been doing with all his colleagues with respect to the important nomination the President has made, Clarence Thomas, for the Supreme Court, and I commend him for that, but I am positive that, after listening to the remarks of the two Senators, they have not heard the comments that were made earlier today on the floor in answering those criticisms by the author of the amendment, the senior Senator from North Carolina, Senator HELMS.

Mr. President, there is a wide disparity between nondiscriminatory purposes of the Civil Rights Act of 1964 as it was originally enacted and the color-conscious perversion which some judges derived from it. I will quote Hubert Humphrey in a moment when he stood on this floor, Mr. President, and said that if the 1964 act were ever used to implement quotas, he would eat pages of the CONGRESSIONAL RECORD. I quote the late great Senator Humphrey:

> If there is any language which provides that any employer will have to hire on the basis of prejudices or quotas relating to color, race, religion, or national origin I will start eating the pages one after another because it is not in there.

Mr. President, here we are 27 years later and Senators stand on the floor of this body and argue with equal effervescence and enthusiasm that the late Senator Humphrey used to use that a bill implemented to prevent discrimination should be interpreted to promote discrimination. That is all the Senator from North Carolina is talking about. I think we all agree, discrimination is unfair to everyone involved. It is unfair to the person who is discriminated against who may come from circumstances more disadvantaged than the person on whose behalf the discrimination occurs. It is unfair to the person who supposedly benefits from the discrimination because it is tantamount to saying that we do not believe that person can make it on his or her own.

It is unfair to the employer who is forced to settle for something less than the best man or the best woman for the job. And finally, Mr. President, it is unfair for society because it promotes the notion that governmental favoritism rather than individual merit is the key to success.

So, Mr. President, I hope that my colleagues carefully read the language in the Helms amendment and then accept it and vote for it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I yield 3 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 3 minutes.

Mr. JEFFORDS. Mr. President, I rise in opposition to this amendment. Once again we are taking this issue up. Certainly this amendment sounds very wonderful when you read it. I do not think there are any of us that would not like to see the day that we have a color blind society in this Nation, but we do not. We all seek that society, but sadly all of us know that it does not describe the United States at this particular time in our history.

The United States is still shackled by bias. It is still mired by hate. Too many employers and unions and individuals are not blind to color. Given this sad but true fact, our system of justice cannot be blind to the existence of prejudice either.

Regrettably, some unions still stack the deck against women and minorities. So, too, do some employers. What should our societal and legal response be to blatant historical and/or current discrimination? Should we let bygones be bygones?

The answer is, of course not. We still need to remedy past discrimination. In some cases, that means adopting goals and timetables to erase the effects of that discrimination. The Helms amendment would make this type of redress unlawful. The Helms amendment, while superficially attractive, would undercut efforts to gain true equality in our Nation.

Paper rights are one thing. But until blacks and women are in the building trades, the banks, and the board rooms, we will not really have equal opportunity in this Nation.

Affirmative action is a necessary tool in this effort. It does not mean hiring by the numbers to satisfy the whims of some bureaucrat. But sometimes it does mean making an extra effort to find qualified people who do not live in the right neighborhood and do not belong to the right country club.

The shame of it all is that if the Senator from North Carolina is trying by his amendment to ban quotas, the very provision he is amending does just that. The existing language of 703(j) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2(j)), states that nothing in the act shall require an employer to grant preferential treatment on the basis of race, sex, et cetera on account of an imbalance in the numbers of persons of a particular race, sex, et cetera, employed by an employer as compared with the numbers of such persons in the community, State, area, et cetera.

This language already bans the evil addressed by the Senator's amendment. But it does so without the side effect of also banning the affirmative action practices which the Supreme Court has repeatedly upheld.

In case after case, the Supreme Court has set the limits of permissible affirmative action. The names of these cases are well known: Steelworkers versus Weber, the Firefighters cases, Johnson versus Santa Clara, and others.

These decisions have served more often than not to constrain the scope of actions beneficial to women and minorities. However, they also consistently have held that under limited circumstances it is appropriate to take affirmative steps to provide equal opportunity where history has shown that negative steps to deny such opportunity had been taken previously.

So I say to the Senator from North Carolina that his amendment assumes a fact not yet in existence. It assumes that we as a country have reached that color-blind plateau where there no longer is a need for taking action to correct the wrongs of discrimination. I say to the Senator, that day will come. When it does, I or my like-minded successors will support the type of amendment he offers today. That support will be given with joy, for it will signal arrival of the color-blind society all of us crave.

But for now, this amendment is wrong for the times in which we live. For today, this amendment should be defeated.

As wonderful as it may sound, it is evil in its content and what it will result in. I urge that we defeat soundly the amendment that is before us at this time.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, I yield to Senator DOLE as much time as he requires.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I want to commend my distinguished colleague from North Carolina for offering an amendment designed to outlaw quotas.

In and of themselves, quotas are anti-equal opportunity, anti-individual merit, and, in case you have not noticed, about as popular with the Amer-

ican people these days as the coup plotters were with the Russian people.

As Members of this body will remember, Senator HELMS proposed a similar antiquota amendment back in June. At that time, I expressed concerns about this amendment—concerns that while the amendment would, indeed, outlaw quotas and rigid set-asides timetables, it might also arguably outlaw programs in which an employer sets objective hiring standards, and then affirmatively recruits members of traditionally disadvantaged minority groups who meet the objective standards.

An example of this would be where an employer with a predominantly white work force widens its applicant pool by taking such actions as placing ads in newspapers which have a primarily minority readership, and asking minority and civil rights groups for referrals.

After raising these concerns, the Senator from North Carolina and I engaged in a colloquy, where he made it clear that prohibition of such programs was not the intention of his amendment.

I am delighted that Senator HELMS has cleared up my concerns once and for all by inserting language in his amendment which explicitly declares that it will not be an unlawful employment practice to establish an affirmative action program designed to recruit qualified minorities and women to expand applicant pools.

Had it not been for objections at that time from the other side of the aisle, this issue could have been resolved in June, and the Senate would be leaving earlier tonight.

Mr. President, one of my proudest days as a Senator was the day I led the floor debate on the legislation which created the Martin Luther King holiday. Martin Luther King's dream was one of an America where citizens were judged not by the color of their skin, but by the content of their character. With passage of this amendment, we will be that much closer to fulfilling that dream.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Iowa controls 11 minutes and 30 seconds, the Senator from North Carolina controls 9 minutes and 24 seconds.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I yield myself as much time as I may require. I think Senators need to go home and I am not going to take but a minute or two.

I cannot imagine what amendment Senator KENNEDY and Senator DANFORTH and Senator JEFFORDS were talking about. They certainly were not talking about my amendment, the one pending at the desk now. But this so often happens. Every point raised by the three Senators was answered clearly early this afternoon and Senator DOLE has, in the short remarks he made, reiterated those.

Mr. President, in the case of Johnson v. Transportation Agency, Santa Clara County, 480 U.S. 616 (1986), Justice Scalia pointed out that under the cover of title VII's prohibition on race discrimination the Court had "replaced the goal of a discrimination free society with the quite incompatible goal of proportionate representation by race and by sex in the workplace."

In Johnson, the county transportation agency had adopted an affirmative action plan that applied to employee promotions. The plan permitted the consideration of an individual's membership in a protected racial or gender group in making decisions about employment and promotion. There had been no practice of discrimination by the agency in the past nor had the persons covered under the plan been discriminated against themselves. Preference for individuals was given because the group to which he or she belonged had not been proportionately represented in a job category.

The agency announced an opening for a road dispatcher. Seven applicants were determined to be qualified and received a score above 70 in an interview. A Mr. Paul Johnson received a score of 75 which tied him for second, a female applicant received a score of 73. A second interview was conducted in which the review board recommended that Johnson be promoted. However the female applicant had gone to the county affirmative action office, who in turn recommended that the female receive the promotion which she eventually did. There had never been a female road dispatcher and the agency wanted a balanced work force.

What happened to Mr. Johnson violated title VII of the Civil Rights Act of 1964. His employer discriminated against him because of his sex. But that did not phase the Supreme Court.

As Justice Scalia pointed out in his dissent in this case, the county plan did not purport to remedy past discrimination but instead explicitly stated as its goal:

> * * * a work force whose composition in all job levels and major job classifications approximates the distribution of women, minority, and handicapped persons in the Santa Clara County work force.

Under the Court's reasoning, Scalia noted that the effect of title VII is that it not only permits but often requires employers, public as well as private, to engage in intentional discrimination on the basis of race and sex. As the mere existence of a work force imbalance regardless of the absence of any showing of intentional discrimination makes the employer vulnerable to a title VII suit. Scalia argued that since Weber and Johnson remove the employer liability to a suit for discrimination by whites and males, "an employer's failure to engage in reverse discrimination is economic folly."

Thus the Court and the authors of civil rights legislation before the Congress create a nonsensical notion of so-called work force balance achieved through hiring by the numbers. The awarding of privileges based on race and sex is a sure way to perpetuate racial tensions and continue to gloss over the problems which really afflict us.

I also want to point out that Senator KENNEDY stated that my amendment would overturn five Supreme Court decisions. He was horrified at that prospect. I want the record to show that Senator KENNEDY's own bill, the Civil Rights Act of 1991 overturns at least 25 Supreme Court decisions.

I also wish to put in the RECORD at the conclusion of my remarks, a column by Walter Williams, a distinguished columnist and economist who happens to be black, one of the most intelligent, erudite men I have ever met. I am going to read one paragraph from that and that is what this amendment is all about. Walter Williams says in his column:

> Therefore, the questions the Senate should put to the nominee are: "Do you see it as your duty to hold as constitutional the use of race as a criterion for hiring and college admissions?" and "Do you interpret the Constitution as mandating equal protection for all Americans regardless of race, sex or national origin?"

That is what this amendment is all about.

Mr. President, I ask unanimous consent that the column by Walter Williams be printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

CHAMPION OF LIBERTY

(By Walter Williams)

We should pay close attention to the Senate confirmation hearings on Judge Clarence Thomas' appointment to the U.S. Supreme Court. During what will probably be an inquisition, Judge Thomas will face questions about his position on affirmative action. But we shouldn't fall for our immoral senators' attempts to denigrate this very forthright and principled man in their efforts to appear holier than thou.

During the early part of the civil rights movement, affirmative action meant that firms, colleges and government agencies would take extraordinary efforts to seek out blacks and other minorities who, due to the ugly discrimination of the past, were outside traditional recruitment channels. In part, this meant advertising for positions in black newspapers, offering remedial assistance to youngsters with bright prospects but not quite up to standards, encouraging minorities to apply for opportunities previously unavailable and combating acts of individual discrimination.

Judge Thomas benefited from this moral and proper version of affirmative action like so many other black Americans. Judge Thomas, like the majority of Americans,

agrees with this version of affirmative action.

Today, affirmative action means something entirely different. It means the U.S. Labor Department policy of reporting false test scores to employers in the name of "race-norming." It means that New York City requires whites to achieve a test score higher than blacks to get promoted to police sergeant. Colleges are encouraged to give race-based scholarships. In sum, affirmative action today means racial quota policy.

Therefore, the questions the Senate should put to the nominee are: "Do you see it as your duty to hold as constitutional the use of race as a criterion for hiring and college admissions?" and "Do you interpret the Constitution as mandating equal protection for all Americans regardless of race, sex, or national origin?"

Though arrived at through different routes, Judge Thomas and I believe in the principles of natural law. Natural law simply means that people are endowed with certain God-given, which our Declaration of Independence calls unalienable, rights to life, liberty and property. These rights, expressed by John Locke in his "Second Treatise of Government," which dominated the thinking of our Founding Fathers, are not granted by government.

Government's job is to protect these rights from private and public encroachment. But you don't have to read John Locke to arrive at the fundamental principles of natural law. Two of the Ten Commandments warn "Thou shall not covet" and "Thou shall not steal." If anything is going to get Judge Thomas in trouble with the U.S. Senate, it will be his belief in principles expressed in our Declaration of Independence.

Our U.S. Congress has utter contempt for principles of natural law. Unlike men like Jefferson, Madison and Mason, our congressmen believe that it is a legitimate function of government to forcibly confiscate property of one American to give another to whom it does not belong. They believe that government should grant one American a special privilege denied to another American. Congress will never own up to this betrayal of human rights, but its actions speak louder than words.

Judge Thomas' appointment is an important watershed for black Americans, but more importantly for the future of our country. He is a truly compassionate person because his brain controls his heart rather than vice versa. Judge Thomas is a true friend of liberty and an enemy of state-granted privileges.

Mr. HELMS. With that, Mr. President, assuming that the other side is going to yield back its time, I will yield back mine.

The PRESIDING OFFICER. Is all time yielded back?

Mr. HARKIN. Mr. President, we are prepared to yield back all time.

Mr. HELMS. I yield back my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. HARKIN. Mr. President, I raise the point of order that the Helms amendment is legislation on an appropriations bill.

The PRESIDING OFFICER. The Chair is prepared to rule on the point of order.

The amendment in question is legislation.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I raise a question of germaneness.

The PRESIDING OFFICER. The Senator from North Carolina has raised a question of germaneness.

Under rule 16, the Chair submits the question of germaneness of the amendment to the full Senate. The question is, Is the amendment of the Senator from North Carolina germane or not?

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Is the amendment of the Senator from North Carolina germane? The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 33, nays 67, as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—33

Bentsen	Gramm	Murkowski
Brown	Grassley	Nickles
Burns	Hatch	Pressler
Coats	Helms	Roth
Cochran	Hollings	Seymour
Craig	Kasten	Simpson
D'Amato	Lott	Smith
Dole	Lugar	Stevens
Domenici	Mack	Symms
Ford	McCain	Thurmond
Garn	McConnell	Wallop

NAYS—67

Adams	Exon	Mitchell
Akaka	Fowler	Moynihan
Baucus	Glenn	Nunn
Biden	Gore	Packwood
Bingaman	Gorton	Pell
Bond	Graham	Pryor
Boren	Harkin	Reid
Bradley	Hatfield	Riegle
Breaux	Heflin	Robb
Bryan	Inouye	Rockefeller
Bumpers	Jeffords	Rudman
Burdick	Johnston	Sanford
Byrd	Kassebaum	Sarbanes
Chafee	Kennedy	Sasser
Cohen	Kerrey	Shelby
Conrad	Kerry	Simon
Cranston	Kohl	Specter
Danforth	Lautenberg	Warner
Daschle	Leahy	Wellstone
DeConcini	Levin	Wirth
Dixon	Lieberman	Wofford
Dodd	Metzenbaum	
Durenberger	Mikulski	

The PRESIDING OFFICER. The vote on this amendment is 33 yeas and 67 nays. By this vote, the Senate has determined that amendment 1106 is not germane and for that reason the amendment falls.

The Senator from Iowa is recognized.

Mr. HARKIN. I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 792

Mr. SEYMOUR. Mr. President, I rise as an original cosponsor of the amendment offered by the distinguished Senator from Nevada. This amendment represents a response to one of the most urgent needs faced by thousands of American women.

By the time I finish my remarks, at least 12 women will have been the victims of domestic violence.

And by today's end, three women will have died at the hands of their husbands, boyfriends, or ex-spouses.

What does this say about the condition of society when women are not even safe in the sanctity of their own homes?

Domestic violence is a fatal flaw in the family unit, a tragedy that we as a nation are still just coming to grips with.

In my home State of California, there were more than 188,000 reported incidents of domestic violence in 1989. The Bureau of Justice statistics reports that the actual number of incidents of domestic violence could be at least double the number of reported incidents.

Of those reported incidents of domestic violence, 85 percent were assaults, and approximately one-quarter of the assaults involved serious bodily injury. Furthermore, the Federal Bureau of Investigation [FBI] reports that 30 percent of female homicide victims were killed as a result of a domestic dispute.

It wasn't that long ago that domestic violence was seen as a private matter. Neighbors, friends, and even peace officers would simply encourage family resolution in the midst of a domestic dispute. However, the severity of domestic violence, both in number and degree, requires that help outside the home is needed. Fortunately, responsible Americans have been taking action.

In 1977, California established the Domestic Violence Center Act, providing local assistance through marriage license fees. And 8 years later, in 1985, the statewide Domestic Violence Assistance Program was established in California, providing $1.5 million in assistance for domestic violence shelters.

Today, there are 85 domestic violence programs in California, and 61 of these are funded by Federal and State funds.

Comprehensive Federal assistance to domestic violence shelters did not begin until 1984, with the passage of the Family Violence Prevention and Services Act, which has allocated more than $10 million each year to assist domestic violence shelters.

Despite the growing attention and support to victims of domestic violence, far too many women muster the courage to leave their abusive environment only to find that their cries for help are left unanswered. In desperation, some of these women with nowhere to turn take the law into their own hands and bring a halt to the torture by ending the lives of the animals who beat them.

Television's "The Burning Bed" and this year's blockbuster "Sleeping With

the Enemy" brought the horror and drama of domestic violence to millions of Americans. More importantly, these films underscored the very real problem that thousands of women have little or no means of escape.

The National Coalition on Domestic Violence reported that in some urban areas, domestic violence shelters turn away seven women for each one they accept. Nationally, three out of four abused women are turned away. And hundreds of communities still do not even have shelters.

Even with the overwhelming demonstration of need, the Federal Government, since the creation of the Family Violence Prevention Act in 1984, has never increased the yearly appropriation above $10.7 million.

Until now.

I am pleased to join with my friend and colleague from Nevada, Senator REID, as an original cosponsor of an amendment that represents the first real increase of Federal support to domestic violence shelters. In fact, it nearly doubles that support.

In many communities, this increase will allow shelters to serve more women who have no return avenue of safety from their violent spouses. Also, for communities currently without shelters, this funding increase finally will allow them to bring much-needed support to abused women.

Mr. President, effectively addressing the myriad social problems raised by domestic violence will require a coordinated effort by all levels of government, as well as community leadership and volunteer support. It's not just responding to cries for help, it's also preventing the violent incidents that force women to seek help in the first place. I am hopeful that by passing this amendment, this body has demonstrated its desire to fully address this subject with legislation that includes preventive and remedial approaches to this most serious problem.

I commend the efforts of Senator REID, and I'm pleased that the distinguished managers, Senator HARKIN and Senator SPECTER, have agreed to accept this amendment.

Mr. President, if there is something that can be done to help these women, it must be done. Though a necessary first step, simply understanding the plight of battered women is not enough. Support must be available to them. Their cries for help must be answered.

AMENDMENT NO. 1084

Mr. CHAFEE. Mr. President, I am pleased to join in sponsoring this important amendment to the fiscal year 1992 Labor, Health and Human Services appropriations bill to restore some funds to the much-beleaguered Low Income Home Energy Assistance Program, or LIHEAP, and to provide additional funds for several education programs.

LIHEAP is a program that provides home energy aid to low-income families struggling to pay for necessary home energy costs, such as heating. These costs are fixed costs. Heating is a necessary fact of life in many areas of this country. In my State of Rhode Island, where winters are fierce, heating is no luxury—it is a necessary part of everyday life.

And for households of low income, these fixed costs represent a substantial—and disproportionately large—chunk of the household budget. Often, energy bills eat up as much as 20 percent of a family's annual income, thus causing the need for heating to compete with the basic needs of food and shelter for household dollars. Thus, LIHEAP program aid can make all the difference to a low-income family.

Let me give my colleagues a sense of what it is like in Rhode Island for a low-income household in the winter. It is cold up there. Only 2 years ago, with average temperatures hovering at 21 degrees, the month of December broke every cold weather record for December since 1917. Our average monthly energy costs in the winter are roughly $150 a month. For a Rhode Island household making minimum wage of $688 per month, that represents a good 25 percent of the household budget. The same type of costs, and thus the same heating versus eating dilemma, is faced by elderly persons and others living on fixed incomes.

I also might add that in the past 2 years, we in the Northeast on several occasions have experienced sharp jumps in the price of home heating oil and other fuels. These unexpected price increases further strained Rhode Islanders' ability to pay for energy use. In addition, the price hikes caused already-scarce LIHEAP dollars to be spread even thinner among the eligible population.

That is why LIHEAP is so important to my State, and why every penny of the $11.6 million we received this year counts. In this fiscal year, 25,000 Rhode Islanders have received help with their energy bills through LIHEAP. This aid is shared by dozens of communities across the State from Providence to Charlestown to Hopkinton, all of whom would be forced to drop families from their program if the amount proposed for LIHEAP in this legislation is not increased. I have received many letters from State and local officials, consumer groups, and members of the energy industry expressing their grave concern about cuts in the LIHEAP allocation.

Yet despite the importance of this program, funding for LIHEAP has decreased steadily since its peak of $2.1 billion in 1985. That means that this important safety net for low-income families has become smaller and smaller.

This year, I joined 51 of my colleagues in writing to the Appropriations Subcommittee to request that $1.6 billion—the same as the fiscal year 1991 appropriation—be allocated to LIHEAP for fiscal year 1992. I appreciate that the members of the subcommittee were faced with difficult budget constraints this year. But while they did allocate the full $1.6 billion, they adopted funding restrictions that effectively reduced the LIHEAP total to $855 million—a nearly 50-percent cut from last year. That is a significant and drastic decrease in funding support.

The amendment we are sponsoring that is now before the Senate will make additional funding—about $200 million—available to States for LIHEAP in this coming fiscal year. That money will help ensure that families already participating in the LIHEAP program will be able to remain in the program. It is not everything, but it will help restore much-needed moneys to this program.

While the LIHEAP provisions are important, I do not want to neglect the additional funding for education programs that also is included in the amendment. Earlier this year, President Bush announced his America 2000 plan to improve our Nation's education system, which included six goals for our Nation's education system to reach by the year 2000. The amendment before us today will help our Nation meet these goals by strengthening the Federal commitment for critical education programs. For example, the Chapter 1 Program, which provides funds to local school districts to help them meet the needs of disadvantaged students, would receive an additional $152 million. Through counseling and remedial instruction, this highly successful program helps our young people at risk of dropping out of school to overcome their difficulties and go on to have successful school careers.

Student financial assistance programs will receive $62 million above the $6.9 billion included in the bill. In the last decade, skyrocketing tuition costs have made it increasingly difficult for students and their families to afford the cost of a college education. I have long supported student aid programs, such as Pell grants and the Guaranteed Student Loan Program. The amendment will help ensure that students who qualify for assistance under these programs receive the financial support they need to complete their degrees.

Finally, I would like to note that the amendment increases by $10 million the amount included in the bill for childhood immunization programs. Childhood immunizations are one of the most cost-effective health services we have available today. Yet many preschool children are not being immunized adequately because support for

the childhood immunization program administered by the Centers for Disease Control [CDC] has not kept pace with inflation.

Earlier this year, I joined Senator BRADLEY in initiating a letter urging members of the Appropriations Committee to provide increased funding for the program. I am pleased that the committee favorably considered this request and recommended $227.8 million—$60 million above last year's level. The $10 million provided by the amendment, along with the committee recommendation, will help ensure that children receive appropriate immunizations.

Mr. President, the amendment provides much-needed additional support for programs in several areas. I hope my colleagues will recognize its importance and join us in supporting this proposal.

REFUGEE ASSISTANCE

Mr. CRANSTON. Mr. President, it is my understanding that the committee recommends that $116,616,000 of the funds appropriated to the Refugee and Entrant Assistance Cash and Medical Assistance Program will be on a delayed-obligation basis and that this amount will be released to the States on the last day of fiscal year 1992 so that States can provide assistance to refugees with assurances that they will in fact be reimbursed by the Federal Government. Is my understanding of the committee's recommendation correct?

Mr. HARKIN. Yes. The delayed obligation of $116,616,000 will be available to the States on the last day of fiscal year 1992 provided that this provision remains unchanged after conference.

JOB CORPS

Mr. CRANSTON. Mr. President, I wish to compliment the distinguished chairman of the subcommittee, Mr. HARKIN, for the attention paid in this bill to the Job Corps. As Senators know, the Job Corps is one of our country's most cost-effective education and job training programs for at-risk youth. Yet in spite of its proven success, across the Nation just one in seven eligible young persons are served by the Job Corps Program. In my State of California, the figure is less than 0.7 percent of eligible youth.

So I am encouraged to note that this appropriations bill recommends an increase of $40 million for Job Corps above the budget request and an increase of $60 million above the 1991 appropriation. I am especially pleased that the committee included additional funds for center relocations, for expediting previously approved new centers, and for planning and priority site acquisition for further expansion.

In connection with planning and priority site acquisition, I am indeed pleased that the committee report specifically mentions Compton, CA, as a community that has demonstrated broadbased support for obtaining a Job Corps Center and participating in the Job Corps Program. I believe the committee language is a clear acknowledgment by the committee of Compton's qualifications as a Job Corps site. In view of the California's urgent need for additional Job Corps sites, I am deeply pleased by the committee's recognition.

The committee report also makes clear its desire that the Job Corps 50–50 plan move forward. This expansion plan would allow the Job Corps to serve 50 percent more poverty youth annually by opening 50 new centers. This is very encouraging to all of us who see the critical need for a long-term expansion of Job Corps.

The Senator from Iowa [Mr. HARKIN] is to be congratulated for his leadership in this important area.

LABOR, HHS AND EDUCATION APPROPRIATIONS BILL

Mr. FOWLER. Mr. President, I rise to support and commend the Labor/HHS Subcommittee Chair, Senator HARKIN, for placing a major emphasis on prevention in the fiscal year 1992 appropriation. The Senate bill provides significant increases in several prevention programs over the House-approved levels and the administration request.

The facts show that this is a wise investment:

One-half of the 2.2 million deaths that occur each year in the United States are considered preventable, according to Centers for Disease Control estimates.

We spend over $700 million a year in this country on health care, plus several billion more for research to cure existing illnesses.

In 1991 an estimated 175,000 women will be diagnosed with breast cancer, and another 132,000 with cervical cancer. These diseases will kill half a million women in this decade—though the means exist through detection and early intervention to prevent virtually all deaths from cervical cancer and one-third of those from breast cancer.

Contrast this with our record in effective prevention programs, such as immunizations that have eliminated smallpox, greatly reduced many childhood diseases, and ended the days of sanitoriums in the countryside. There is no more cost-effective health care than prevention. It is estimated that for every $1 we spend on prevention, we save $3 in health care costs.

I think it is important to point out three areas in prevention that receive a boost in this legislation. The Senate bill provides $150 million for the preventive health and health services block grant, compared to $93 million in the House and $108 million requested by the administration. This funding provides the necessary infrastructure for our public health system. There is little doubt that a long-term investment is badly needed there.

While total spending for health care costs nearly doubled during the eighties, the main program to support State and local disease prevention and health promotion programs, the PHHSBG, was reduced by nearly one-half. The Senate recommendation represents a significant reinvestment in prevention programs.

This bill also increases the administration request for chronic environmental and disease prevention by more than $20 million. Significant premature death, preventable illness and disability are caused by personal behavior choices leading to chronic disease—and by exposure to environmental hazards. These are health risks that could be eliminated at little or no cost to the public.

Finally, this bill increases funding for occupational safety and health, from $97 million to $108.8 million. Occupational safety and health programs are the first line of prevention for the 110 million people who make up the American work force. While fatal on-the-job injuries are on the decline, work-related illnesses and nonfatal injuries are increasing.

The Nation's premiere preventive health agency, the Centers for Disease Control, has experienced a decline in its core programs in recent years. The result is inadequate staff and inadequate facilities for the essential task of identifying and addressing new epidemics that may arise. The appropriation before us adds $13.4 million to funding for the CDC's basic programs.

There is no investment we can make that comes closer to the cares and concerns of families throughout the country than this investment in lowering health care costs by preventing illness and injury.

JOB CORPS

Mr. DODD. Mr. President, I would like to engage the distinguished Senator from Iowa in a colloquy regarding the Job Corps centers authorized by the fiscal year 1989 Labor-Health and Human Services appropriations bill. As my friend knows, two of these six centers are now operational, while work continues on the other four, including one in New Haven, CT.

Mr. HARKIN. I am aware of the matter raised by the Senator from Connecticut.

Mr. DODD. Mr. President, I would ask the distinguished manager of the bill if he is aware that the Job Corps headquarters here in Washington has reported that design and land purchase prices for these four new centers are higher than was originally anticipated. As I understand it, Job Corps officials estimate that an additional $20.2 million will be required over the next 2 years to complete and open these centers.

Mr. HARKIN. Mr. President, I would respond to my friend from Connecticut by saying that I am well aware of this

problem. In fact, I would note that the bill before us today provides $80,464,000 for the construction, rehabilitation, and acquisition of Job Corps centers in fiscal year 1992, which is a $30, million increase over the administration's budget request. The committee has specified in its report that this additional money is to be used for several purposes, including additional center relocations, capital investments, and the higher than anticipated costs of opening the centers to which the Senator from Connecticut refers.

Mr. DODD. Mr. President, I thank the Senator from Iowa for his comments. I would simply indicate to the Senator my hope that he and the other conferees will be able to preserve the Senate increase for Job Corps center construction, rehabilitation, and acquisition when this bill goes to conference.

Mr. HARKIN. Mr. President, I can assure the Senator from Connecticut that I will work to include sufficient money in the final Labor-HHS bill to ensure that work on the previously approved centers continues. In addition, I look forward to working with him in the future to secure the funds needed to ensure that these centers are completed and opened.

Mr. DODD. I thank the Senator for his comments, and I appreciate his support of this effort. I look forward to working with him in the future on this matter. I might also add that I appreciate the Senator's longstanding support of the Job Corps Program. The Job Corps provides severely disadvantaged youth with basic education and vocational training, and many of these young Americans would be without the brighter future the Job Corps provides were it not for the hard work and leadership of the Senator from Iowa.

THE IMPORTANCE OF ECONOMIC STATISTICS

Mr. SARBANES. Mr. President, the Joint Economic Committee has a longstanding interest in the quality and integrity of Federal statistical programs. These programs provide the data which are critical in both the private and public sector for making sound economic judgments possible.

As chairman of the committee, I would like to call your attention to provisions in the Labor, HHS, Education appropriations bill which threaten the quality of our Nation's employment and price data.

In the Senate bill, the Bureau of Labor Statistics only received $271,892,000, an amount $37,011,000 less than the House bill and the administration's request. This is a significant reduction to both the agency's general appropriation and to funds it receives from the unemployment trust fund.

The Bureau of Labor Statistics produces basic information on employment and prices which is indispensable both to our understanding of today's economy and our ability to meet tomorrow's economic challenges. These statistics do not guarantee good policies, but they are part of the framework of decisionmaking that make good policies more likely.

I realize that my distinguished colleague from Iowa faced very difficult decisions in his subcommittee because of the current budget environment, but I would urge him to reexamine the administration's budget request for BLS.

I believe the cuts to BLS were too severe on several grounds. First, the bill eliminates all of the President's economic statistics initiative, most of which the House included in its bill. The President's initiative represents a comprehensive and sustained effort at improving Federal economic statistics.

Second, the bill fails to include funds for the Federal locality pay survey which is required by the Federal Locality Pay Act of 1990. This legislation was designed to ensure equitable treatment for Federal workers all over the country. The locality pay survey is designed to collect information on salaries in areas with a high concentration of Federal employees so that their compensation can be adjusted to better reflect prevailing local wages. Without the funds for this survey, the Federal Locality Pay Act of 1990 cannot be implemented. I would be troubled if the Senate failed to appropriate funds to carry out a law it enacted only 1 year ago.

Finally, the bill appropriates $8 million less than the amount needed to maintain current services. The Bureau simply needs that money to maintain its current programs and to fund a long-anticipated move to the Postal Square building next to Union Station. Currently its operations are dispersed in several locations in the District most of which now have been released to other organizations. Since the Bureau must move, failure to provide funds for the costs of the move means that cuts will have to be made in important statistical programs.

I know that we must make sacrifices, but we must also be reasonable. The capacity to provide the statistical information on which sound judgment depends is increasingly at risk, and is being placed further at risk by stringent budget reductions. The payoff in enhancing this statistical effort far outweighs its modest cost. Therefore, I urge the Senator from Iowa to work in the conference to restore the funding for the Bureau.

Mr. HARKIN. The senior Senator from Maryland has raised on important issue. I appreciate his concern that statistical programs not deteriorate due to lack of funding. I also understand the importance to both public and private decisionmakers of having quality economic statistics, particularly regarding employment and prices. Many tough decisions had to be made by my subcommittee because funds for domestic initiatives are scarce. Nevertheless, let me indicate to my colleague from Maryland that I intend to work in the conference to provide sufficient funding for essential statistical activities.

Mr. SARBANES. I would also like to take this time to raise with my colleague a provision in the committee report which might cause unforeseen problems for national statistical programs. The report requires that executive direction funds be capped at the fiscal year 1991 level. It is my understanding that over half of the executive direction account actually consists of nonadministrative items. The language in the report effectively eliminates the national longitudinal survey and other valuable programs without giving the agency any options.

Mr. HARKIN. The executive direction accounts of many agencies were frozen at fiscal year 1991 levels. The committee did this to require agencies to make cuts in administrative overhead rather than in programmatic areas. If, as you say, the Bureau's executive direction account also includes programmatic spending, then I would be prepared to work in conference to make allowance for this.

Mr. SARBANES. I would like to thank my colleague for his help in this matter. It is greatly appreciated. Before we finish, I would like to state that I am very pleased that the committee chose to fund the mass layoffs statistics program with JTPA discretionary funds. The House bill required that the effort be continued but failed to appropriate any money for it. The Senate committee's action gives BLS the means to continue this program.

Mr. HARKIN. I thank the Senator for his comments.

Mr. GORTON. Mr. President, I would like to thank the chairman for the effort put forth in guiding the committee's decision on indirect cost reimbursement policies. In its report, the committee called for an audit by the inspector general and a biannual status report on what is being done to manage indirect cost reimbursement policies.

Since consideration of this bill in full committee, I have become aware of the fact that the General Accounting Office [GAO] is now undertaking, at the request of Congress, an evaluation of what revisions are necessary in indirect cost reimbursement policies Government wide.

Different IG's in different departments have responsibility for different schools. No one department oversees all schools—hence the need for an umbrella study by the GAO to ensure that all institutions and practices are reviewed. Because the GAO study is already underway, it will facilitate getting the information as rapidly as possible and it will have a broad impact on all federally funded research programs.

Therefore, I would like to as the chairman if he would be willing to have

the GAO carry out a study within the context of its ongoing effort?

Mr. HARKIN. Mr. President, I would like to thank my colleague from the state of Washington and I will be happy to work with him to make an appropriate letter request to the GAO.

THE 25TH ANNIVERSARY OF SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAMS

Mr. HARKIN. Mr. President, I rise today to celebrate the 25th anniversary of the Senior Community Service Employment Programs, the network of job training programs that cultivates the talent and skills of America's older workers and prepares them for part-time jobs in local government and area agencies.

The Senior Community Service Employment Program [SCSEP] was established under title V of the Older Americans Act and is overseen by the Department of Labor. The SCSEP is one of several training programs funded through my Appropriations Subcommittee on Labor, Health and Human Services and Education.

Mr. President, during my time as chairman of the subcommittee, I have had the opportunity to review several employee training programs, and, in my view, the SCSEP programs are unique. And the track record of these programs reflects this. For example, one such program, Green Thumb, Inc., sponsored by the National Farmers Union, trained and assigned 280 low-income workers, age 55 and older, to various highway and park beautification projects in 1965, its first year of operation. Last June, Green Thumb enrolled more than 18,500 men and women for technical, clerical, and paraprofessional jobs in 44 States.

Perhaps the most important testimony to the success of these programs is the story of a fellow Iowan, Ms. Goldie Mayers. When Ms. Mayers applied to Green Thumb in 1988, she wanted to work with children or senior citizens. After working for a year in the West Union Elementary School as a custodian, her supervisor helped Ms. Mayers develop an employment plan that reflected her dreams and career goals. Ms. Mayers' earned her nurse's aide certification by co-enrolling in the Job Training Partnership Act program. The day after she received her certificate, Ms. Mayers was hired by the Good Samaritan Care center as a nurse's aide.

Finally, the benefits of programs like Green Thumb accrue to our society as well as to individual participants. Certainly, by remaining active and productive in part-time jobs, these individuals will be less likely to suffer from depression and isolation that can contribute to chronic illness. And, the wages earned allow a portion of the 5.4 million Americans over 55 to escape persistent poverty. The President's fiscal year 1992 budget proposes a $47.5 million decrease for SCSEP programs like Green Thumb, and I will do my best to restore the 12,936 jobs that would be terminated by this budget cut.

Mr. President, I tell you this and recount Ms. Mayers' story today only to underscore the most important message that the Title V Senior Community Service Employment Programs have broadcast over the past 25 years. The message is this: Our older workers are people with real skills, real dreams, and real potential. We need to continue to support these SCSEP programs, for they improve the economic and social condition of our older Americans today and train them for greater professional and personal success tomorrow.

HEAD INJURY CENTERS

Mr. SHELBY. Mr. President, I would like to enter into a colloquy with the distinguished senior Senator from Alabama and the chairman of the Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies, Mr. HARKIN. My colleague, Senator HEFLIN, and I have been interested for some time now in improving the quality of rehabilitation services available to victims of head injury in our State and region. Our distinguished friend and colleague, Senator HARKIN, supported our request for fiscal year 1990 appropriation of $15 million to the Rehabilitation Services Administration to establish a network of regional head injury centers. The intent of that appropriation directed the Department of Education to give priority to regions with high incidence of head injuries when awarding the funding. Unfortunately, the Department of Education chose to disregard this directive. Centers apparently were awarded through a review process that gave no weight whatsoever to the high incidence priority. As a result, no centers were established in the entire Southeastern region of the United States, which was among the highest incidence of head injury in the Nation. All of the grants went to institutions in large cities, with little attention given to the particularly acute head injury problem in rural areas such as the South.

Mr. HEFLIN. Mr. President, I wish to join my colleague from Alabama in stating our concern that no head injury center was located in the Southeastern United States. There is no question about the need for the kind of services that these centers provide. As stated in the recent report, "Decade of the Brain,"

> Trauma to the central nervous system is a major public health problem. Over two million people suffer head injuries each year, and of these approximately 100,000 die and 500,000 require hospitalization. The economic costs of brain injury approach $25 million per year. Even without permanent damage, those who survive severe brain and spinal cord injury typically need five to ten years of intensive medical treatment and rehabilitation services.

I am happy to join my colleague from Alabama in seeking a way to address this important regional need.

Mr. SHELBY. Mr. President, I remain thankful to my distinguished colleague from Iowa for his past dedication to addressing the problem of head injuries in this country. Though it was not possible to honor our full request in the Senate legislation this year, I would like to take this opportunity to ask the distinguished chairman if a portion of up to $300,000 of the special demonstration program funds couldn't be directed toward planning for competition for an additional head injury center grant. I would further request that this competition give special consideration to the Southeast which does not now have a head injury center.

Mr. HEFLIN. Mr. President, I join my colleague from Alabama in thanking the distinguished subcommittee chairman for his past support, and in once again asking his support for meeting the challenge of the devastating problem of head injury in the Southeastern United States. It is our understanding that our House colleague, Congressman TOM BEVILL, has communicated his desire to work with conferees toward resolving this matter in conference committee.

Mr. HARKIN. I would like to thank both of my colleagues from Alabama for raising this issue. I concur completely with the proposal that a portion of the special demonstration program funds be used to begin planning for an additional head injury center competition. The Senators have made an excellent point that the entire Southeast region of the country is not served by a head injury center, and this should be considered heavily in any new competition.

SLIAG

Mr. DECONCINI. Mr. President, as our distinguished colleague from Iowa knows, Senator GRAHAM and I are very concerned about the future of the State legislation impact assistance grant [SLIAG] Program. The lengthy start up period and the complexity of this program has created a misconception that SLIAG has a surplus of funds. Although this misconception has led Congress to defer SLIAG funds, many States and service providers report that demand for services has increased and many programs are threatened by the uncertainty due to congressional action.

Congress appropriated $4 billion for the SLIAG Program in the Immigration Reform and Control Act of 1986 [IRCA]. This money is to reimburse States over a 7-year period from fiscal year 1988 through fiscal year 1994. In fiscal year 1990 and fiscal year 1991 $1.12 billion was borrowed from SLIAG for other programs in the Labor/HHS Subcommittee's jurisdiction. Even though a May 23, 1991, General Accounting Office [GAO] report concluded that

States would need at least $450 million in fiscal year 1991, once again Congress has interrupted SLIAG funding by deferring the remaining $1.12 billion to fiscal year 1993. The uncertainty in future appropriations for the SLIAG Program reinforces the need to preserve State surpluses until the SLIAG Program ends in fiscal year 1994.

I commend my distinguished colleague from Florida for his persistence and leadership in supporting full funding for the SLIAG Program. I also agree with my colleague that the States' SLIAG programs are in jeopardy if they do not have adequate funds to provide the necessary services to legalized immigrants.

Mr. GRAHAM. The senior Senator from Arizona is absolutely correct. The SLIAG Program was specifically designed so that States would receive allocations based upon their estimated costs. As these costs materialize, States were to be reimbursed from their allocation. In most cases, although it appears that States have a surplus in SLIAG funds, the surplus is actually a mirage. Their so-called surplus will be drawn down by the end of the program on September 30, 1994.

Reallocating surplus funds would create havoc in State SLIAG programs. Planning becomes virtually impossible and will result in interruption or termination of services. Most importantly, the States have little faith that Congress will pay back the borrowed funds in fiscal year 1993. Reallocating SLIAG funds will force some States to begin termination of SLIAG programs, since they are not optimistic that their accounts will be replenished.

Mr. DECONCINI. I am proud to say that Arizona is a model state in its distribution of SLIAG funds. Arizona does not use SLIAG funds until costs or expenditures have been identified. Although Arizona has a surplus, like many other States, it expects to use its surplus once all expenditures have been identified and all pending cases have been adjudicated.

States should be encouraged rather than penalized for their careful management of SLIAG funds. Furthermore, the reallocation of SLIAG fund surpluses will only cause more confusion in an already complicated program. I think our colleagues can agree that it is imperative that we do not jeopardize the success of the SLIAG program which provides English language and citizenship classes, health services, and outreach to employers and the victims of discrimination caused by employer sanctions. These much needed services are important to the successful assimilation of newly legalized immigrants into our society.

With these concerns in mind, Senator GRAHAM and I would like some clarification from our distinguished colleague from Iowa about the SLIAG funds reallocation report language to the Labor/HHS appropriations bill, H.R. 2702. Is our understanding correct that the report language in no way authorizes the reallocation of SLIAG funds?

Mr. HARKIN The Senator is correct. The Department of Health and Human Services is only asked to conduct a study about mitigating the shortfalls to States, including the possibility of reallocating SLIAG funds.

Mr. DECONCINI. Is our understanding also correct that the reallocation report language gives no authority or direction to the conferees on the bill to amend the Immigration Reform and Control Act to authorize the reallocation of SLIAG funds?

Mr. HARKIN. As I stated previously, the reallocation report language simply calls for a study by the Department of Health and Human Services regarding options for mitigating program disruptions in shortfall States. It will also take into consideration the needs of States, like Arizona and Florida, which currently have surpluses. I have no intention of including authorizing bill language concerning the reallocation of SLIAG funds which is the jurisdiction of the Judiciary Committee.

Mr. GRAHAM. I appreciate the chairman's clarification on this point. I would also like to inform him that Senator DECONCINI and I have asked the General Accounting Office to report to Congress on options for mitigating the shortfall in SLIAG funds to States. We believe that having this information, in addition to the report by HHS, will better assist Congress in making an informed decision.

Mr. HARKIN. I agree. An independent source on this issue will be helpful to Congress in choosing the best option. I look forward to reviewing the findings of both HHS and GAO.

Mr. GRAHAM. I also have a concern regarding the Federal offset of SLIAG—this is the portion of SLIAG that is taken off the top to pay for the Federal costs of Medicaid and Food Stamps provided to the newly legalized population.

It appears that in the early years, fiscal years 1988, 1989, and 1990, the Department of Health and Human Services, in estimating its own Federal offset, overestimated its needs.

In reassessing the States' documentation used by HHS in determining the offset amount, it is my understanding that if HHS were requested to readjust their offset for those early years, as required by IRCA, the unspent Federal funds would then be allocated out to the States with no additional appropriations. It is also my understanding that the funds that would be made available to the States are estimated to be in excess of $100 million. These funds would assist the Federal government in meeting its longstanding obligation to State and local governments to reimburse them for costs incurred under the original provisions of IRCA.

Would not then the Senator concur that it is the intent of Congress to have HHS adhere to IRCA and readjust its offset for those early years? Further, would not the Senator concur it is the intent of Congress that this be accomplished as soon as possible in fiscal year 1991 in in order to ameliorate the impact of the reduction in appropriations to the States?

Mr. HARKIN. Yes, I concur on both points, and I appreciate the Senator's careful observations on this matter.

Mr. GRAHAM. I thank the distinguished chairman of the subcommittee for his cooperation and the Senator from Arizona for his assistance in clarifying this matter.

Mr. DECONCINI. I too want to thank my distinguished colleague from Iowa for addressing our concerns about the SLIAG program.

MAINTAINING TOLL-FREE TELEPHONE SERVICE

Mr. WOFFORD. If I may engage in a colloquy with my distinguished colleague from Iowa, Mr. HARKIN, I would like to discuss the issue of the Medicare contractors' contingency fund and the maintenance of toll-free telephone service.

I want to commend the chairman and the members of his committee for their fine work on this bill. Despite tremendous obstacles, they have crafted a proposal that meets our Nation's health needs while honoring the constraints imposed by budget austerity.

Unfortunately, the committee was unable to restore money the President cut from claims administration for Medicare. As many Members of this body know, the Health Care Finance Administration has advised Medicare contractors to discontinue toll-free telephone service for beneficiaries and have discussed eliminating telephone service altogether.

I am greatly concerned that such instructions amount to a tax on our senior and disabled citizens in order to pay for the deficit spending of the last decade. For a senior citizen in desperate need of a Medicare reimbursement check in order to pay for rent or heat, being unable to communicate directly with a Medicare contractor is like being left alone in the dark.

Am I correct in assuming that any cut in the Medicare Program's ability to promptly process claims or to maintain toll-free telephone service would constitute a sufficient reason to release contingency funds?

Mr. HARKIN. The Senator from Pennsylvania [Mr. WOFFORD] is correct. I share his concern that the Medicare Program fulfill its obligations to beneficiaries. A budget shortfall should not constitute a reason to cut back on toll-free telephone service nor to slow down claims processing. It should instead be reason enough to release contingency funds and provide for these needs.

I urge the Health Care Finance Administration to maintain services

through the contractors at least until we complete the conference on this bill. The contingency fund should be used to prevent disruptions in service. I share the Senator's concern and urge Secretary Sullivan to take prompt steps to assure that satisfactory services are maintained.

COMMENDING CHAIRMAN HARKIN

Mr. FOWLER. Mr. President, Chairman TOM HARKIN and the members of his subcommittee have done an excellent job on the fiscal year 1992 Labor, HHS and Education appropriations bill. It is obvious that Senator HARKIN and the members have invested not only a great deal of time, but also substantive thought and careful planning into this legislation. I applaud these efforts.

I am sure Senator HARKIN felt the push and pull of many pressures as he sat down to determine the funding priorities for the coming fiscal year. I am extremely pleased to see that, after long hours of researching many worthy programs, Mr. HARKIN recognized the Job Corps 50–50 plan as an important item for the agenda of America's future work force. With the funds he and the members included to initiate the plan, current Job Corps services can be maintained, and the expansion of Job Corps will begin in as many as five communities.

I want to thank Chairman HARKIN for including funds for the Job Corps 50–50 plan. This initiative will help poverty youth in Georgia and across the country. I look forward to working with the members of the subcommittee to complete the Job Corps 50–50 plan in the coming years.

PREVENTION AND NURSE EDUCATION FUNDING

Mr. INOUYE. Mr. President, I wish to recognize the outstanding efforts of Senator HARKIN, chairman of the Subcommittee on Appropriations for Labor, Health and Human Services, and Education and Related Agencies, for his strong leadership and astute judgment in preparing the committee's recommendations for fiscal year 1992. The chairman and I have worked together for many years in health promotion and diseases prevention activities. However, this year, in the face of severe fiscal restraints, Senator HARKIN deserves special commendation. His committee's actions definitely strengthened America's resolve to become a healthier Nation.

In the forefront of prevention proposals is the tremendous support given to the Centers for Disease Control [CDC] and its chronic and environmental disease prevention activities. Currently, many personal behavior choices lead to premature death and preventable illnesses. The committee's recommendations offer preventive opportunities through education to challenge such killers as cigarette smoking and fetal alcohol syndrome. I was especially pleased that the committee's recommendations included $6 million for health promotion and disease prevention centers. The prevention center conducted through the University of Hawaii School of Public Health has already made invaluable contributions to the welfare of residents in the entire Pacific basin and set the standards for prevention centers everywhere.

I share Senator HARKIN's grave concerns for the future of our children and heartily support the committee's recommendations for a viable immunization program as seen in the stated funding for early vaccination programs to fight preventable diseases such as measles. The $25 million recommended for lead poisoning prevention in children is also particularly welcomed since lead poisoning is the most prevalent disease of environmental origin among American children today.

CDC's research arm, the National Institute for Occupational Safety and Health [NIOSH], was also wisely funded. To the 110 million people who make up this Nation's work force, ensuring a safe and healthy environment in the work arena means the difference of whether they can or cannot provide for their families. Of special interest is the continued support for NIOSH's work with the American Psychological Association to reduce workplace injuries and job-related stress.

As our country faces an ever growing health budget, with over 12.2 percent of our gross national product going toward payment of health care, this committee sagely funded research and training efforts, the guiding lights for renovating this Nation's health care delivery system. The recommended appropriations for the National Center for Nursing Research ensured continued studies which will enhance health promotion for women, children, adolescents, the elderly, and especially vulnerable populations such as native Hawaiians, minority pregnant women, and all rural Americans.

The committee's foresight to fund multiple training programs in advanced nurse education, nurse practitioner and midwife education, disadvantaged assistance, geriatric training, interdisciplinary traineeships, and health administration traineeships reflects the progressive stance of increasing the pool of many differing health care providers who can then open access to this Nation's crying patient population.

In closing, let me again state my appreciation to Senator HARKIN and his committee members for the diligent, careful work that the committee recommendations represent.

MEHARRY MEDICAL COLLEGE

Mr. SASSER. Mr. President, I would like to express my strong concern about funding for the Minority Centers of Excellence Program within the Department of Health and Human Services. As most of my colleagues know, this program was established to provide funds for institutions that have trained a significant proportion of the Nation's minority health professionals.

I appreciate the committee's agreement to include language in the report accompanying the Labor, Health and Human Services, Education and Related Agencies appropriations bill which asks the Department of Health and Human Services to give strong consideration to proposals for funding existing and new programs for Meharry Medical College under the Minority Centers of Excellence Program. The committee recommended $14,140,000 for the Minority Centers of Excellence Program, which is $13,780,000 below the level approved by the House of Representatives. Unfortunately, the Senate amount will not provide sufficient funds for a new demonstration program at Meharry.

The Meharry Medical College demonstration program is designed to preserve that institution as a national model of health care delivery for the underserved and health professions education for minorities. The program would be used to provide needed working capital for Meharry's George W. Hubbard Hospital and the college so they can address the needs of those patients whom others have neglected or are unwilling to serve, and continue to provide quality health professions education to minority students from across the Nation. Meharry's structure also contains two entities that will help disseminate the program results, the Institute on Health Care for the Poor and Underserved and the Area Health Education Center of Tennessee. The program has the full support of Health and Human Services Secretary Louis W. Sullivan who, along with the Robert Wood Johnson Foundation, recently identified Meharry as a "national resource."

Mr. President, Meharry Medical College has a rich history of addressing the problems relating to health care for underserved populations. Meharry has trained 40 percent of the Nation's black physicians and dentists, and most of its graduates go on to practice in underserved rural and urban communities. I am sure the distinguished chairman, Senator HARKIN, will agree that Meharry represents a critical resource for our Nation, and I am hopeful that he will join me in supporting efforts to strengthen the institution.

I understand that the distinguished Senator from Iowa is faced with a very tight allocation, but I wonder if he would agree to give every consideration to receding in conference to the appropriation provided by the House for the Minority Centers of Excellence Program.

Mr. HARKIN. I understand the concern of the Senator from Tennessee regarding funding for the Minority Centers of Excellence Program, and the importance of ensuring the continued

viability of Meharry Medical College. As he says, the committee faced a very difficult situation with its allocation this year and was unable to fund many worthy programs to the appropriate level. I assure the Senator, however, that I will give every consideration to his request when we conduct conference negotiations with the House.

Mr. SASSER. I thank the distinguished Senator from Iowa for his courtesy and consideration.

Mr. GRAHAM. Mr. President, I would like to ask the distinguished floor leader a question on the Rural Health Outreach Demonstration Program contained in the Labor, Health and Human Services appropriations bill. I commend my colleague from Iowa for his leadership in funding this important program for the first time last year.

In its fiscal year 1991 Labor, Health and Human Services, and Education appropriations bill, Congress funded the Rural Health Outreach Grant Program at $20 million. This year, the Senate appropriations bill contains $25 million for the program. This unique grant program requires application by coalitions of existing providers in truly rural, underserved areas. Certain applicants, however, from geographically large counties with relatively small total populations and a semiurban outlying area were ineligible for the grant competition due to their being located in a metropolitan statistical area [MSA].

Mr. HARKIN. I am aware of this situation. It is my understanding that the Department of Health and Human Services [HHS], Office of Rural Health Policy is currently refining their guidelines on MSA status to include these counties. The Office of Rural Health Policy plans to have their reformulated guidelines prepared for the fiscal year 1992 competition for the rural outreach program.

Mr. GRAHAM. Counties across the Nation fall into this category. Collier County is the State of Florida's largest county in geographical size and is located in the southwest portion of the State. Ninety percent of the county's population resides within the Naples area. The remaining 10 percent of the county's population resides in the town of Immokolee, an inland, rural, migrant worker community situated roughly 40 miles northeast of Naples.

Nearly 30 percent of the Immokolee population is comprised of migrant and seasonal laborers with special health care needs. About 85 percent of the Immokolee households have incomes below 200 percent of the Federal poverty level. At least 80 percent of these individuals are uninsured and many suffer agricultural injuries which are work related.

Collier County's application was deemed ineligible for the grant competition due to its status as an MSA. Ironically, the county's application addressed the exact health service needs in precisely the sort of nonurban setting for which the Rural Health Outreach Grant Program was intended.

Is it the feeling of the Senator that Collier County would be included in any new guidelines which HHS puts forth?

Mr. HARKIN. Yes, that is my understanding.

TRANSPLANT FUNDING

Mr. GORE. Mr. President, I would like to ask the Senator a question about the level of funding for organ transplants contained in the committee's bill.

As the report accompanying the bill notes, the $3,387,000 included is $1,750,000 less than the House amount and $336,000 less than last year's sum. If enacted, it would provide only $250,000 for the grant and contract program authorized by section 371 of the Public Health Service Act. This program, which the Congress just refashioned last year, is the heart and soul of our ability to attack the still growing organ shortage.

Despite a record 15,162 solid organ transplants performed in 1990, the list of those waiting for transplants also increased that year to a record 22,008. As the Senator knows, since Iowa is one of the Nation's leaders in transplant surgery, as many as a quarter to a third of all Americans on transplant waiting lists for hearts, livers, lungs, and heart and lungs, die before a transplantable organ is found. This situation is all the more tragic because the evidence tells us that we can still double the number of donors by insuring that all organ procurement organizations [OPO's] are as effective as the most effective OPO's. That is what the section 371 grant and contract program was redesigned to do.

Can the Senator tell me whether it is his intent, and that of the committee, to recede to the House position which provides $2,000,000 for the section 371 grant and contract program?

Mr. HARKIN. I thank the Senator for bringing this matter to our attention. I value his expertise in this area and appreciate his explanation of the importance of the section 371 grant and contract program in addressing the organ shortage.

I know the Senator is also aware of several recent studies, including one by the Office of Inspector General, that illustrate that many inequities still dog the national transplant system. For example in that study it was shown that African-Americans wait almost twice as long for kidneys as white Americans. How are we addressing that problem?

Mr. GORE. Mr. President, that is another example of the type of problem that must be urgently addressed, that will only be addressed if there is sufficient funding in the grant and contract program. Minority families currently are also far less likely to give permission for organ donation. We must do more to understand why African-Americans wait longer for kidney transplants, why their families are less supportive of organ donation, and what can do done about it.

Last year we changed the section 371 grant and contract program to expand its focus to include problems such as these. But I'm afraid that at the level of funding that is now in the bill before us, the Division of Organ Transplantation will lack the resources necessary to start solving these problems. The $2,000,000 contained in the House bill is still less than half what we authorized, but would in my view be adequate to make progress on some of the key problems still plaguing our national transplant system.

Mr. HARKIN. I appreciate the Senator's further explanation. I would say to him that given the importance of this program, and the fact that with last year's changes it appears to be truly on the verge of helping us solve a number of critical transplant related problems, I would like to be able to increase funding and make certain that the added money goes to support the section 371 grant and contract program as revised by the Congress last year with instructions to insure that more is done to remove the inequities revealed in the inspector general's report.

Mr. GORE. I am very pleased to hear that. Let me say again how much I appreciate the Senator's understanding of this problem and his efforts to assist the thousands of Americans on transplant waiting lists.

MULTIDISCIPLINARY CENTERS ON AGING AND MENTAL HEALTH

Mr. KENNEDY. Mr. Chairman, I am very concerned about older Americans' mental health needs and the fact that many of these people are not receiving the care they need. With the growth in our Nation's older population in the next several decades—by the year 2030, one in four Americans will be 60 or more years of age—the need for mental health services for Older Americans will grow dramatically.

Mental health problems such as depression and anxiety are not uncommon among older persons. This is particularly common among those who live alone (especially widows and widowers), the poor, and rural Americans. Treatment of these problems can have excellent results, including improvement of the individual's mental health, physical health, and a general improvement of his or her quality of life. Unfortunately, care is often not available, or, when it is, it is not being used.

To effectively meet today's and tomorrow's demand requires a broadbased policy approach that takes account of financing and reimbursement, design of the delivery system, training of providers, and education of

new care providers. It has been proposed that this will be accomplished through the establishment of gerontology center demonstration programs for older Americans in need of mental health services.

The Older Americans Act of 1965, as amended, authorizes the commissioner to establish gerontology centers of special emphasis. I have included a provision in the ADAMHA reauthorization bill, which the Committee on Labor and Human Resources recently approved, to require the administrator of the Alcohol, Drug Abuse, and Mental Health Services Administration to collaborate with the National Institute on Aging to promote and evaluate mental health services for older Americans. This would be done through resource centers for long-term care, as authorized in the Older Americans Act. Is it your committee's intent that the Administration on Aging and the National Institute of Mental Health should attempt to fund multidisciplinary centers that focus on aging and mental health?

Mr. HARKIN. Yes; that is our intent. I commend Senator KENNEDY and his committee for bringing this matter, so important to older Americans, to our attention.

Mr. KENNEDY. I thank the Senator for his leadership.

THE NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES AT THE RESEARCH TRIANGLE PARK

Mr. SANFORD. Mr. President, I would like to engage the distinguished manager of the bill, Senator HARKIN, in a discussion about the National Institute of Environmental Health Sciences [NIEHS] at the Research Triangle Park, NC.

Mr. HARKIN. I would be happy to discuss the matter with the Senator from North Carolina.

Mr. SANFORD. The NIEHS conducts and supports basic biomedical research studies to identify chemical, physical and biological environmental agents that threaten human health. NIEHS also studies mechanisms by which these agents, both independently and interactively, cause or contribute to illness and dysfunction in the general population and in vulnerable individuals.

The recent accomplishments of the NIEHS include a demonstration of a positive correlation between air pollution and respiratory illnesses and decreased lung function in children; findings which are relevant to the implementation of the new Clean Air Act. The NIEHS has also been successful in characterizing the relationship between iron deficiency and lead absorption in children; these guidelines will help establish dietary and nutrition guidelines for the treatment of children exposed to lead. A creation of a university-based research center for the study of the health effects of agricultural chemicals on farmers, agricultural workers, farm families and other rural residents has also been accomplished by the NIEHS.

The House in its appropriations bill included $17.9 million for construction at the NIEHS in the Research Triangle Park, NC and indicated a commitment of $55 million to complete NIEHS construction over several years. The purpose of this appropriation is to begin construction on two modules at the existing permanent NIEHS facility—one administrative module and one laboratory building module. The new laboratory addition would include general purpose laboratories, specialized research labs, high-resolution spectrometry, magnetic resonance imaging, and an inhalation toxicology facility. In addition to staff and procurement offices, the new office addition would include an expanded computer facility. The design work was completed with an appropriation of $2 million in fiscal years 1987 and 1988. The construction can begin as soon as funds are made available.

The buildings would replace existing leases that cost NIEHS over $4 million per year, resulting in payback in approximately 13 years. In addition, the state of the leased laboratory sites and the inability to upgrade them have resulted in a backlog of toxicological research because of the limited number of laboratories that can be used safely for such tests. Although there is no net gain in laboratory space, the new facility would be modernized and appropriate for the full range of toxicological research performed at the NIEHS.

The Senate has provided only $102,885,000 for the buildings and facilities of the National Institutes of Health; $5.74 million less than the House provides. It is my hope that during conference the Senate will recede from its lower appropriation amount for the buildings and facilities and move toward the higher House funding level, ensuring that the $17.9 million will be available for the NIEHS at Research Triangle Park, NC.

Mr. HARKIN. I thank the Senator for giving me the opportunity to recognize the great accomplishments that have been brought forward by the NIEHS. I support the research that is conducted at the NIEHS and I believe it is vital to the overall goals of the National Institutes of Health. I would like to ensure the Senator that I will look very carefully at this issue during conference, and do my best to further the construction of the NIEHS at the Research Triangle Park in North Carolina.

FISCAL YEAR 1992 APPROPRIATIONS FOR HEA—TITLE VI, INTERNATIONAL EDUCATION

Mr. BINGAMAN. Mr. President, I would like to clarify a point in regard to the fiscal year 1992 appropriations for title VI of the Higher Education Act, international education programs. The increase provided by the Senate Appropriations Committee for title VI domestic programs is not sufficient to carry out the Senate committee's instructions to the Secretary of Education in its report language without jeopardizing base programs. Implementation of the report language would result in a 50-percent increase in funding for the centers for international business education, which I understand was requested by many Senators, and the creation of an additional language resource center but it would do so at the expense of other title VI programs. To fund the requested increases, existing programs would have to be cut below their fiscal year 1991 funding levels, is this not true?

Mr. HARKIN. I thank the Senator for his comments. I am aware of this situation and assure you that we will work in conference to bring these numbers more in line with the Senator's thinking.

Mr. BINGAMAN. I also want to express my hope that the conferees will work for increases for the national resource centers and undergraduate programs and research and funding for the acquisition of foreign language materials under section 607.

Mr. HARKIN. Again, the Senator has my commitment to work on these items in conference.

Mr. BINGAMAN. It seems to me that the House increase for title VI domestic programs and report language requests a more equitable distribution among title VI programs. It calls for a 20-percent increase for the centers for international business education, and a 20-percent increase for the national resource centers. The Secretary of Education would have the discretion to target the remaining increase in funds for needed assistance to undergraduate programs, language resource centers, intensive summer language institutes, and research. The House also provides, under libraries, startup funding for the acquisition of foreign language materials under section 607 of title VI.

For two decades title VI programs have suffered from inadequate funding, the devaluation of the dollar and inflation. In light of the unprecedented global challenges facing the United States today, I believe sound public policy would be to strengthen all programs under title VI and encourage the important linkages between foreign language study, international studies, international business, and other professional studies.

Mr. HARKIN. I agree that the various components of international education are interlinked and that an increase in funds will contribute to enhancing our Nation's international competitiveness.

Mr. BINGAMAN. Mr. President, it seems to me that simple solution would be for the Senate conferees to recede to the House levels and report lan-

guage from title VI. The House provides $47 million for title VI domestic programs and under libraries, $500,000 for the acquisition of foreign language materials under section 607 of title VI. Both the House and Senate levels for the overseas programs—Fulbright-Hays 102(b)(6)—are the same.

Mr. HARKIN. I understand the concerns and I am sure that the issues of the funding levels and the distribution among programs can be resolved to the satisfaction of the Senator in conference.

FUNDING FOR UPLIFT, INC.

Mr. SANFORD. Mr. President, I would like to engage the distinguished chairman of the Appropriations Subcommittee on Labor, Health and Human Services, and Education in a discussion on an important matter to my State of North Carolina.

Mr. HARKIN. I would be happy to engage in a colloquy with my friend from North Carolina.

Mr. SANFORD. I would like to bring attention to a wonderful organization—Uplift, Inc.—based in Greensboro, NC. This organization models and facilitates cooperative community efforts that promote the health and well-being of children, families, and communities. Focusing especially on families with young children, Uplift encourages innovative strategies of prevention and partnership which mobilize resources from all segments of the community. Their initiatives include a comprehensive early childhood program called Project Uplift in Ray Warren Homes, a low-income housing community in Greensboro. This project weaves together programs of maternal and child health, early childhood education, and family support into a comprehensive approach to sustain and strengthen families. Uplift also offers technical assistance and leadership development training to counties throughout North Carolina. helping these communities implement innovative strategies of opportunity for families with young children.

As my colleague from Iowa so well knows, in the past decade local communities have inherited ever greater responsibility for poor children and their families, as Federal and State governments have increasingly decentralized antipoverty efforts and have reduced their funding for human services programs. I therefore commend the subcommittee chairman for including an increased appropriation for comprehensive child development centers as part of the human development services appropriation. My understanding is that these funds would support community organizations specializing in intensive, comprehensive, integrated, and continuous supportive services for low-income children. Organizations providing such services could apply to the Department of Health and Human Services for operating and planning grants.

Mr. HARKIN. The Senator from North Carolina is correct in his understanding that the Health and Human Services appropriation bill includes funding for grants of such nature.

Mr. SANFORD. Would the distinguished subcommittee chairman agree that Uplift, Inc., would be an eligible candidate to apply for such a grant?

Mr. HARKIN. Yes, I would agree with my colleague from North Carolina on this matter.

Mr. SANFORD. I thank the Senator from Iowa. Mr. President, I yield the floor.

JOB CORPS FUNDING AND SITES

Mr. KOHL. I want to commend the chairman and the ranking minority member of the Labor, Health and Human Services and Education Appropriations Subcommittee for the funding commitment that they have made to the Job Corps. This is a critical program for our economically disadvantaged youth, particularly those in urban areas.

I note on page 10 of the Committee Report 102–104 that the committee has encouraged the development of new centers in various States across the country. I'd like to ask my colleagues, is it the intent of the committee that those particular sites be given priority consideration in part because they have demonstrated broad-based community support for obtaining a Job Corps Center?

Mr. HARKIN. That is correct.

Mr. KOHL. In Milwaukee, we have a similar initiative underway. The Opportunities Industrialization Center of Greater Milwaukee has spent a considerable amount of time working with various segments of the community to determine the impact of a Job Corps Center in Milwaukee. The mayor of Milwaukee has personally indicated his support to me. I understand that the local private industry council, the county executive, and the Governor, along with various other community organizations have also pledged their support.

Additionally, because of the significant number of Milwaukee youth not motivated to complete high school or go to college, Milwaukee could benefit greatly from a Job Corps Center.

Mr. HARKIN. This is a problem in many areas, hence the committee's decision to redouble support of the program.

Mr. KOHL. I think the case in Milwaukee is particularly compelling. In the 1989–90 school year, 14.7 percent of all public high school students dropped out of school—an increase of almost 4 percent over 1980. In 1988, fewer than 38 percent of Milwaukee public school graduates had the credentials to attend college or technical school, according to a study conducted by the Greater Milwaukee Education Trust. Milwaukee has the highest birthrate among black teenagers of all major cities in this country. Among black youth, the unemployment rate exceeds 40 percent. And the disproportionate number of black males in the prison population is an indicator that those individuals are particularly at-risk of falling through the traditional system supports.

Mr. HARKIN. The Senator makes a compelling argument for including Milwaukee as a Job Corps Center site, along with those mentioned in the committee report. I assure the Senator that Milwaukee should be considered on the same basis as locations mentioned in the Senate report when it comes to designating new Job Corps centers. I thank the junior Senator from Wisconsin for bringing this to our attention and I commend him for his advocacy on behalf of his State.

Mr. KOHL. I thank both of my colleagues for their consideration and support.

CANCER INSTITUTE CONSTRUCTION

Mr. HEFLIN. Mr. President, I would like to enter into a colloquy with the distinguished chairman of the Appropriations Subcommittee on Labor, Health and Human Services, Education and Related Agencies, Mr. HARKIN. I would like to thank him for his continuing strong commitment to bolstering the Nation's efforts to conquer cancer. I particularly appreciate his leadership as chairman of the subcommittee which has restored the ability of the National Cancer Institute to pursue a broad range of research opportunities as part of its mission to develop improved cancer treatment and discover measures to prevent the occurrence of this dread disease.

I am pleased to report that the Comprehensive Cancer Center at the University of Alabama in Birmingham is an integral part of this broad national attack on cancer. Currently, the UAB Cancer Center is investing $12 million to expand its facilities to treat the people with cancer and strengthen its research capabilities. The people of the State of Alabama are contributing a major part of this investment, however, the university did submit a proposal earlier this year to the National Cancer Institute for a $700,000 grant for partial support of this expansion effort. I understand the UAB proposal received a very favorable review from and NCI evaluation panel.

In reviewing the committee's report to accompany this bill, I did not see any funds provided to NCI to support this type of project extramural facilities construction. Can the gentleman tell me if there are opportunities within this proposed budget to support meritorious proposals such as this one from UAB and does he think the UAB Cancer Center expansion would be an appropriate use of those funds?

Mr. HARKIN. If the Senator would yield, I thank him for his interest. I

know of the Senator's personal concern and keen interest in a strong cancer research program.

The national partnership of Federal, State, and private scientists working in cancer medicine has as its goal to combat this terrible disease through solid research, the development of treatments and broader education. The cancer centers around the country are an essential element of this effort. Your State has a strong program at the University of Alabama in Birmingham. In my opinion the UAB Cancer Center expansion is a most appropriate candidate for Federal support.

There are ample opportunities within the budget before us today for the National Cancer Institute the participate in the UAB Cancer Center expansion. To begin with, we are providing NCI with a total of $2.01 billion, an increase of $200 million over the budget request. The Director of NCI, the distinguished physician Sam Broder, will have the authority to use some of his Institute's appropriation for extramural construction. As it has in the past, the committee is also providing the NIH Director the authority to transfer up to 1-percent of her budget within NIH accounts subject to committee approval. Finally, the committee has included $10 million within the NIH Director's fund for competitively awarded grants for extramural construction.

Certainly, the high priority accorded the University of Alabama in Birmingham proposal by the NCI review panel makes it a worthy recipient for funding under any one of these options. I would like to work with the Senator to ensure that the UAB Cancer Center construction grant proposal has every chance to compete successfully.

Mr. HEFLIN. I look forward to working with my friend from Iowa and our colleagues who serve with him on the subcommittee to make certain the Director of the National Institutes of Health has at her disposal the resources necessary to support approved NCI construction proposals such as the one submitted by the University of Alabama in Birmingham.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that upon disposition of the pending bill, the Senate proceed to the consideration of H.R. 2686, the Department of the Interior appropriations bill.

Mr. SPECTER. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Pennsylvania reserves the right to object.

Mr. SPECTER. While the Senator from New Jersey is on the floor—if I may have the attention of the Senator from New Jersey.

Mr. LAUTENBERG. I have an appointment.

Mr. SPECTER. I got the attention of the Senator from New Jersey. I just wanted to make sure I had 5 minutes before we adjourned the session today.

Mr. MITCHELL. Mr. President, if I might explain, that would not be precluded by this agreement. This merely says that when we finish this bill, which we assume now will be tomorrow, we will proceed to the Interior bill.

Mr. SPECTER. I thank the distinguished majority leader. I just wanted to attract the attention of the Senator from New Jersey before he left, and I succeeded in doing it.

The PRESIDING OFFICER. Without objection the unanimous-consent request is agreed to.

Mr. MITCHELL. Mr. President, I thank my colleagues and I thank the distinguished Republican leader for his cooperation in this matter. Therefore, Senators should be on notice that upon completion of the pending bill, which we hope will be sometime tomorrow, hopefully early during the day, the Senate will proceed to consideration of the Department of the Interior appropriations bill.

TRANSPORTATION SUBCOMMITTEE APPROPRIATIONS

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I shall not take much of the Senate's time, but an event occurred today which I think warrants notice to the Senate and ought to be made a part of the RECORD. The event involves a press release which announces an award for Pennsylvania of funding under the Department of Transportation Subcommittee when in fact no meeting or markup of that subcommittee has yet been held, an action which I consider to be grossly inappropriate and want to make it a part of the RECORD.

This involves the Senator from New Jersey [Mr. LAUTENBERG]. I had informed him earlier today of my intention to raise this issue at the first available opportunity, and I caught his attention just before he left the Senate floor a few moments ago. I would ask unanimous consent, Mr. President, that this press release be made a part of the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

SENATOR WOFFORD SECURES FUNDS FOR ALLEGHENY BUSWAY PROJECT

WASHINGTON, September 11.—United States Senator Harris Wofford announced today that he succeeded in persuading a Senate appropriations subcommittee to earmark $15 million for the Allegheny County Busway Expansion Program for the Greater Pittsburgh International Airport.

"I am pleased to be able to bring this money to such an important project," Senator Wofford said. "These funds will allow for the expansion and construction of busway systems that will ease congestion in the Pittsburgh area and allow for further economic expansion in the region."

The expansion project includes both the design and construction of an Airport Busway from downtown Pittsburgh to the airport, and the extension of the existing Martin Luther King, Jr., East Busway linking the redeveloping Monongahela Valley with the rapidly developing Airport Corridor to the west.

Senator Frank Lautenberg (D-N.J.), chairman of the Appropriations Subcommittee on Transportation, said, "Senator Wofford did an outstanding job of convincing the subcommittee of the merits of the project and its importance to the Pittsburgh region. It wasn't easy to find the funds, especially during these tough budgetary times, but a project as important as this one deserves federal attention and support. This is another example of Senator Wofford's impressive ability to work with his fellow Senators on behalf of the people of Pennsylvania."

Mr. SPECTER. Mr. President, the substance of the press release is one from Senator WOFFORD announcing: "Senator Wofford Secures Funds for Allegheny County Busway Project."

WASHINGTON, September 11.—United States Senator Harris Wofford announced today that he succeeded in persuading the Senate Appropriations Subcommittee to earmark $15 million for the Allegheny County Busway Expansion Program for the Greater Pittsburgh International Airport.

The problem with this, Mr. President, is that the Transportation Subcommittee of Appropriations has not yet met and in fact is not yet scheduled to mark up until tomorrow. The press release goes on:

"I'm pleased to be able to bring this money to such an important project," Senator Wofford said. "These funds will allow for the expansion and construction of busway systems that will ease congestion in the Pittsburgh area and allow for further economic expansion in the region."

The release goes on to say:

The expansion project includes both the design and construction of an Airport Busway from downtown Pittsburgh to the airport, and the extension of the existing Martin Luther King, Jr., East Busway linking the redeveloping Monongahela Valley with the rapidly developing Airport Corridor to the west.

Senator Frank Lautenberg (D-N.J.), chairman of the Appropriations Subcommittee on Transportation, said, "Senator Wofford did an outstanding job of convincing the subcommittee of the merits of the project and its importance to the Pittsburgh region. It wasn't easy to find the funds, especially during these tough budgetary times, but a project as important as this one deserves federal attention and support. This is another example of Senator Wofford's impressive ability to work with his fellow Senators on behalf of the people of Pennsylvania."

Mr. President, I am not objecting due to the fact that I have been pressing for this funding for several years as a Member of the Appropriations Committee, but what I do object to is that the chairman of the Appropriations Subcommittee on Transportation has

taken action in advance of consideration by the appropriations subcommittee and full committee.

I questioned Senator LAUTENBERG about this earlier today, and he said, "Well, it's done all the time. Republicans do it all the time." I said, "Can you give me one illustration where it has ever been done?" He said, "I don't have to answer to you for that." I said, "Well, I agree with you; you don't have to answer to me for that, but you have to answer to the people of the State of New Jersey."

I think there is an answer that is required in terms of tradition and protocol of the Senate.

Earlier today I appeared on the Senate floor to announce raising of this issue. I personally talked to Senator WOFFORD about the matter so that he was on notice and, as I say, I had talked personally to Senator LAUTENBERG about it and I attracted his attention on the floor as those who were in the Chamber will know.

Mr. President, I ask unanimous consent that copies of my letters of July 17, 1991, and July 19, 1991, be included in the RECORD as if read in full. These letters detail the great importance of the allocation of the $15 million, which was the subject of Senator WOFFORD's press release.

Notwithstanding the impropriety which I have already identified, at least as I see it, the allocation is very important, something this Senator has worked for and pushed for.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 17, 1991.

Hon. FRANK R. LAUTENBERG,
Chairman, Subcommittee on Transportation and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR FRANK: As the Subcommittee prepares to consider the fiscal year 1992 Appropriations bill for Federal transportation programs, I write to bring to your attention several matters which are of importance to the Commonwealth of Pennsylvania.

I. URBAN MASS TRANSPORTATION ADMINISTRATION [UMTA]

Pittsburgh Busway—(New Start project under section 3 of existing public law)

The new Midfield Terminal at the Greater Pittsburgh International Airport is scheduled to open in late 1992, at an estimated cost of $600 million. The new terminal is expected to attract new business and create as many as 15,000 new jobs in the airport's vicinity. However, inadequate ground transportation in the corridor linking the new airport with downtown Pittsburgh is a problem requiring immediate action. In response, local government has proposed the development of an exclusive bus roadway and bus lane to help alleviate the increased traffic between downtown Pittsburgh and the airport, as well as improved and expanded transit service to western sections of Allegheny County.

The Port Authority of Allegheny County, the local transit agency, recently completed an UMTA-funded transition analysis which calculated an extremely positive cost-effectiveness rating for the project of $3.82. The study further estimated the cost of the busway to be $140 million.

The extension of the Martin Luther King, Jr. East Busway is a $35 million project to lengthen this very successful 7-mile exclusive bus roadway currently in operation. This extension will enable the Port Authority to capture additional operating cost savings and to attract new transit patrons.

Since last year's Transportation Appropriations bill, I am pleased to report that the Commonwealth of Pennsylvania has taken very positive steps in authorizing 50 percent of the project costs for the busway system expansion. This unprecedented effort by the State is in recognition of the great importance of the busway project to the State and the Pittsburgh region.

Accordingly, I urge the Subcommittee to review the necessity of this important project and provide $21 million in fiscal year 1992 UMTA new start funding to allow its development. This amount will be matched by $21 million in non-Federal funding.

The Cross-County Metro—SEPTA (New Start project under section 3 of existing public law)

The Southeastern Pennsylvania Transportation Authority [SEPTA] has proposed the Cross-County Metro line that will establish an intermodal series of transit centers to provide easy connections to all parts of the region using rail, bus, van, or auto. The project will assist efforts to bring the region's labor force to the job market, much of which is highly transit-reliant. Recently, SEPTA released its long-range plan entitled "Vision of the Future to the Year 2010," which describes the Cross-County Metro as the heart and soul of their long-range goals. SEPTA needs this new construction program to retain the ridership necessary to keep the authority functioning into the next century. The estimated cost of the Cross-County Metro is $100 million.

Accordingly, I urge the Subcommittee to recognize the importance of the development of the Cross-County Metro and provide $15 million as a new start for this project in fiscal year 1992.

Mass Transit Capital and Operating Funds

Mass transit legislation included in the Senate's 1991 Highway bill provided significant increases to mass transit programs. In addition, the Senate bill substantially increases the amount of overall transit funding drawn from the transit account of the trust fund. It is projected that the transit account of the trust fund had an unexpended balance of $7.2 billion and an uncommitted cash balance of $3.57 billion. In turn, I support an appropriation level for mass transit discretionary and formula programs at the highest possible levels. Further, I urge the Subcommittee to maintain operating assistance to cities over 1 million and to ensure the historic share of cities that participate in the rail modernization program.

Rural Transit Assistance Program (section 18)

This important program is vital to providing transportation to millions of Pennsylvania's rural elderly, low-income, and handicapped persons, connecting them to services to which they might otherwise not have access. Current funding levels of the rural transit assistance program fall short of the amount required to fund the assistance. The administration's recommended funding level for this program is $89 million in fiscal year 1992, while the Senate's 1991 Highway bill provided an authorization of $127.3 million for this important program. In turn, I urge the Subcommittee to provide the highest funding level possible for this important program.

II. GRANTS-IN-AID FOR AIRPORTS

I strongly support necessary funding for airport projects throughout the Commonwealth of Pennsylvania. Specifically, I urge the Subcommittee to provide priority consideration for grants-in-aid from the airport and airway trust fund to the Allentown-Bethlehem-Easton [ABE] Airport, the Johnstown-Cambria Airport, the Westmoreland County Airport, and to the following two projects:

Philadelphia International Airport [PHL]

The Philadelphia International Airport is in the midst of a multiyear airport construction program that includes the construction of a new runway system, a new 5,000-foot commuter runway, a new terminal building, substantial improvements to existing terminals, and a host of other capacity, safety, and security improvements.

The Philadelphia metropolitan area is the fifth largest in the Nation, yet Philadelphia International Airport ranks about 20th in passengers. The construction program, which is the first one at PHL since the 1970's, will increase capacity by 50 percent and give the people of the tristate area the air services they need and deserve.

I appreciate the Subcommittee's past recognition of PHL's construction program. To meet the future needs of the Philadelphia metropolitan area, I urge the subcommittee to include the following language in the report to accompany the fiscal year 1992 Transportation Appropriations bill:

"The Committee directs the Federal Aviation Administration to give high priority consideration to applications for airport improvement programs discretionary funds for the Philadelphia International Airport. Philadelphia, the Nation's fifth largest metropolitan area, has several major capacity enhancement and safety improvement projects underway. These projects are vital not only to the economic progress of the region, but also to expand the capacity of the National Airspace System."

Greater Pittsburgh International Airport

The Greater Pittsburgh International Airport is continuing its expansion program for the construction of the new Midfield Terminal. The Greater Pittsburgh International Airport region is a unique resource for enhancing the National Airspace System. In an age of restricted land, airspace, and airfield capacity, the Greater Pittsburgh International Airport has a surplus of all three. The new Midfield Terminal will allow the airport to accommodate approximately 40 percent more passengers.

I appreciate the Subcommittee's past recognition of the importance of this project. I again urge the Subcommittee to consider the value of this airport to the Pittsburgh region, its $9 million expected economic impact on the region, and its significance to the Nation's airport capacity, and include the following language in its report to accompany the fiscal year 1992 Transportation Appropriations bill:

"The Committee directs the Federal Aviation Administration to give high priority consideration to applications for airport improvement program discretionary funds for the Pittsburgh International Airport and construction of the new Midfield Terminal. These funds are critical to ensuring that the project is completed on schedule, to accom-

modate the 19 million enplaned passengers expected by the year 2000. This project is vital not only to the economic progress of southwestern Pennsylvania, but also to expand the capacity of the National Airspace System."

III. HIGHWAYS AND BRIDGES

Discretionary Bridge Program

I urge the Committee to provide report language designating high priority in the discretionary bridge program to the Port Vue Bridge in Allegheny County.

The Port Vue Bridge is a 1,228-foot, 17-span bridge built in 1908. The Pennsylvania Department of Transportation is proposing a complete new structure to be built at the same location. The total estimated cost of the bridge replacement is $15,355 million. The bridge was closed to traffic in 1989 forcing a 3-mile detour to traffic, making this project critical to ensure traffic flow in the county. Accordingly, I urge the Committee to include priority designation for the bridge replacement in its report to accompany the fiscal year 1992 Transportation Appropriations bill.

Highway Obligation Ceiling

A primary concern to the Commonwealth of Pennsylvania is to secure a highway obligation ceiling at the highest possible level, utilizing all available transportation revenues, including the existing trust and balances. A ceiling of $20 billion per year could be sustained for the next several years under the current Federal revenue structure along with the balance in the highway trust fund. Pennsylvania has received approximately 4.5 percent of the obligation authority available nationwide.

IV. FEDERAL RAILROAD ADMINISTRATION

National Railroad Passenger Corporation [AMTRAK]

Preservation of Amtrak's passenger service is a matter of great national significance. It provides vital service for the entire Nation, particularly for the populous eastern seaboard. A reduction in Amtrak funding, I believe, would result in added air congestion and ultimately additional Federal dollars for airport and highway construction. Accordingly, I support funding for Amtrak at the fiscal year 1991 level of $605 million.

Local Rail Freight Assistance Program

The local rail freight assistance program provides much needed financial support to States for the continuation of rail freight service on abandoned lines. This program is vital in retaining rail service to industry and consumers in captive service areas in the northeast and across the Nation. I support providing a funding level of at least $10 million for this program in fiscal year 1992.

As always, I appreciate your assistance on these important matters. Thank you for your consideration of these requests.

My best.

Sincerely,

ARLEN SPECTER.

U.S. SENATE,

Washington, DC, July 19, 1990.

Hon. FRANK R. LAUTENBERG,

Chairman, Subcommittee on Transportation and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR FRANK: As the Subcommittee prepares to consider the fiscal year 1991 Appropriations bill for Federal transportation programs, I write to bring to your attention several matters which are of critical importance to the Commonwealth of Pennsylvania.

I. GRANTS-IN-AID FOR AIRPORTS

I strongly support necessary funding for airport projects throughout the Commonwealth of Pennsylvania. Specifically, I wish to stress the importance of the two following projects:

Philadelphia International Airport (PHL)

The Philadelphia International Airport is in the midst of a multiyear airport construction program that includes rehabilitating existing runways and aprons, constructing new terminal buildings and parking facilities, and developing a new runway system that will include a 5,000-foot commuter runway.

The Philadelphia metropolitan area is the fifth largest in the country, yet Philadelphia International Airport ranks about 20th in passengers. The construction program, which is the first one at PHL since the 1970's, will change all that by increasing capacity and giving the people of the Philadelphia area the air services that they need and deserve.

To meet the needs of the Philadelphia metropolitan area into the 1990's and beyond, I urge the Committee to include the following language in the report to accompany the fiscal year 1991 Transportation Appropriations bill:

"The Committee directs the Federal Aviation Administration to give high priority consideration to applications for airport improvement programs discretionary funds for the Philadelphia International Airport. Philadelphia, the nation's fifth largest metropolitan area, has several major capacity enhancement and safety improvement projects underway. These projects are vital not only to the economic progress of the entire northeast corridor, but also to expand the capacity of the National Air Space System."

Greater Pittsburgh International Airport

The Greater Pittsburgh International Airport is continuing its expansion program for the construction of the new Midfield Terminal. The Greater Pittsburgh International Airport region is a unique resource for enhancing the National Airspace System. In an age of restricted land, airspace, and airfield capacity, the Greater Pittsburgh International Airport has a surplus of all three. The new Midfield Terminal will allow the airport to accommodate approximately 40 percent more passengers.

Considering the importance of this airport to the Pittsburgh region, its $9 billion expected economic impact on the region, and its significance to the Nation's airspace capacity, I urge the Committee to include the following language in its report to accompany the fiscal year 1991 Transportation Appropriation bill:

"The Committee directs the Federal Aviation Administration to give high priority consideration to applications for airport improvement program discretionary funds for the Pittsburgh International Airport and construction of the new Midfield Terminal. These funds are critical to ensuring that the project is completed on schedule, to accommodate the 19-million enplaned passengers expected by the year 2000. This project is vital not only to the economic progress of southwestern Pennsylvania, but also to expand the capacity of the National Airspace System."

Reading Regional Airport

The Reading Regional Airport [RRA] currently is undergoing an expansion program that includes extension of its main runway, construction of an airport terminal building access road, and an airport operations and aircraft rescue and fire fighting building. These expansion efforts are estimated to create nearly 100,000 enplanements a year at Reading Regional Airport. Considering these expansions, the RRA Authority and the many users of its facilities support the airport's application to the FAA to install a precision approach instrument landing system [ILS] and an approach lighting system [ALS] for the extended runway. According to the airport authority, the ILS and ALS system is greatly needed to enhance the accessibility and safety of aircraft using the airport. Accordingly, I urge the Committee to consider the necessity of this important instrumentation at the Reading Regional Airport, and direct the FAA to provide the necessary funds to install an ILS and ALS system at the airport.

II. URBAN MASS TRANSIT ADMINISTRATION [UMTA]

Pittsburgh Airport Busway—(New Systems under section 3)

The new Midfield Terminal at the Greater Pittsburgh International Airport is scheduled to open in October 1992, at an estimated cost of $585 million. The new terminal is expected to attract new business and create as many as 15,000 new jobs in the airport's vicinity. The residents of the region are appropriately concerned about the expected increase and demand for transportation development in the area of the new terminal. In response, the local government has recommended the development of an exclusive bus roadway and bus lane to help alleviate the increased traffic between downtown Pittsburgh and the airport, as well as improve and expand transit service to western sections of Allegheny County.

The airport busway currently is being studied to determine the feasibility of building and financing the project. The results of the study are expected very soon. However, the construction at the airport is proceeding as scheduled, making vital a timely development of the airport busway. The busway will be completed in three segments, with initial efforts to be focused on the first and most critical stage. The total cost of this segment of the airport busway is estimated to be $120 million, with $18 million for preconstruction, engineering and design. I urge the Committee to review the necessity of this important project, and provide $13.5 million for preliminary engineering and design in its fiscal year 1991 Transportation Appropriations bill, so the new Midfield Terminal at the Greater Pittsburgh International Airport can have appropriate transportation access prior to its opening in 1992.

Accordingly, I urge the Committee to include the following language in its report to accompany the Transportation Appropriations bill:

"The Committee recommends $13.5 million to support preconstruction engineering and design of the Greater Pittsburgh International Airport Busway. The Committee understands that the new Midfield Terminal at the Greater Pittsburgh International Airport is scheduled to open in October 1992 and that the current transportation structure is simply insufficient to handle the additional traffic that is expected in the airport's vicinity. Therefore, the Committee directs UMTA to provide the necessary funding for preconstruction, engineering, and design of a limited access buslane to connect downtown Pittsburgh to the Pittsburgh Greater International Airport."

Mass Transit Capital and Operating Funds

I support an appropriations for mass transit discretionary and formula grants at the

highest possible levels. Reductions in these support levels will result in reductions of, and in some cases, an elimination of, vital mass transit service in Pennsylvania and nationwide. In particular, additional funding for the section 3, capital discretionary program is needed for projects that improve existing transit infrastructure.

Rural Transit Assistance Program

This important program is vital to providing transportation to millions of Pennsylvania's rural elderly, low-income and handicapped persons, connecting them to services to which they might otherwise not have access. Current funding levels of the rural transit assistance program fall short of the amount required to fund the Federal share of operating assistance. An additional $1 million to last year's appropriation could provide the means by which additional counties in the Commonwealth of Pennsylvania could participate in the program.

III. HIGHWAYS AND BRIDGES

Discretionary Bridge Program

I urge the Committee to provide report language designating high priority in the discretionary bridge program to the Belle Vernon Bridge, I-70, in Washington/Westmoreland Counties. As you know, last year the Committee included priority consideration to the bridge. Subsequently, however, the Department of Transportation was unable to fund the project.

The total estimated cost of rehabilitating the Belle Vernon Bridge, including design, right-of-way, or anticipated noneligible costs is 23.2 million. Pennsylvania's discretionary funds request $16.4 million in Federal support. This four-lane bridge over the Monongahela River has an estimated average daily traffic of 34,196 vehicles. Most importantly, there is not a viable alternate route across the river, making rehabilitation critical to continue traffic flow. Accordingly, I urge the Committee to once again include priority designation to this important project in its report to accompany the fiscal year 1991 Transportation Appropriations bill.

Highway Obligation Ceiling

A primary concern to the Commonwealth of Pennsylvania is to secure a highway obligation ceiling at the highest possible level. Pennsylvania receives approximately 4.5 percent of the obligation authority available nationwide. I support a ceiling of $15 billion, a level equal to the amount of gas tax revenues expected to be deposited into the highway trust fund.

In addition, I request that the following report language be included in the fiscal year 1990 Transportation Appropriations bill:

The Committee is aware of the traffic congestion in the Exton, PA, area and recommends that discretionary funding be expended to alleviate this problem.

IV. FEDERAL RAILROAD ADMINISTRATION

National Railroad Passenger Corporation [AMTRAK]

Preservation of Amtrak's passenger service is a matter of great national importance. It provides vital services for the entire Nation, particularly for the populous eastern seaboard. A reduction in Amtrak funding, I believe, would result in added air congestion and ultimately additional Federal dollars for airport highway construction. Accordingly, I support funding for Amtrak at the fiscal year 1990 level of $606 million.

As always, I appreciate your assistance on these important matters. Thank you for your consideration of these requests.

My best.

Sincerely,

ARLEN SPECTER.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate now enter into a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MAYOR H. ODELL WEEKS OF AIKEN, SC

Mr. THURMOND. Mr. President, I would like to take this opportunity to pay tribute to one of the finest public servants I have had the pleasure of knowing, Mayor H. Odell Weeks of Aiken, SC. On August 5, after 40 years of service to the city of Aiken, Mayor Weeks announced his intention to retire at the conclusion of his present term. As someone who has known Odell Weeks for many years, I know how much his constituents will miss him.

Odell was elected to the Aiken City Council in 1943. He served until 1946, when he was called to serve out the mayoral term of Holbrook Wyman, who had died in office. In 1952, he returned to his seat on the council, and in 1957 he was reelected as mayor. He has been Aiken's mayor ever since.

Mayor Weeks embodies the American spirit of public service. He dedicated his career to helping others, working tirelessly to ensure Aiken's economic growth while seeking to preserve the beauty and tradition of the city we both call home.

As with any public servant, Odell Weeks was strengthened by the love of his family and friends. I know that Odell's many accomplishments would not have been possible without the support of his lovely wife, Ella. She filled the unofficial but important office of first lady of Aiken with grace and charm throughout Odell's career. Mayor Weeks was also ably assisted by Mr. Roland Windham, who served as city manager of Aiken for 28 years, retiring this past March.

Mr. President, it is with the deepest personal admiration that I pay tribute to Odell Weeks, a man whose dedication to the principles of selflessness, public service, and love of God and country will surely serve as an example for future generations of South Carolinians to follow.

I ask unanimous consent that an article from the Aiken Standard newspaper be inserted in the RECORD immediately following my remarks.

[From the Aiken (SC) Standard, Aug. 1, 1991]

"TIME FOR SOMEONE ELSE TO DO THE JOB"

(By Carl Langley)

Aiken's long-term Mayor H. Odell Weeks, citing advanced age and "a time to let someone else do the job," announced this morning that he will not be a candidate for re-election in November.

"I will be 83 this Saturday, and I figured it's time to let someone else do the job," the mayor said after a news conference at the city hall.

"I have had a good time serving a town I love so much."

Mayor Weeks, who has held the city's No. 1 political job longer than anyone else in Aiken's 156 years, will end a public service career that began in 1942 with his election to council.

His 40-year tenure is one of the largest in South Carolina and the nation, and he may hold the state record for serving as mayor.

In a voice breaking with emotion, Mayor Weeks said, "It is difficult to give up something that you love dearly, so you know how difficult this decision is for me. However, all of us have to make this decision at some time in life, and we move on to other things."

He read from a prepared statement at a news conference attended by more than two dozen elected officials and city department heads.

Discussing the past and looking ahead, the mayor said he feels "great about the future of this city. We have attempted to address things that will maintain our heritage, keep our city beautiful and yet maintain the type of business and residential climate that will ensure our continued growth in a very positive manner."

At the conclusion of his 2½ page statement, the mayor was given a standing ovation that lasted several minutes. Members of council and department heads took turns wishing him well in retirement.

The mayor used his statement to pay tribute to fellow elected officials and city employees. He said city workers have been "dedicated and loyal" and noted that elected officials have "worked together with harmony for the good of the community."

Mayor Weeks became the city's chief executive in 1946 when his precedessor Holbrook Wyman died in office. He served until 1952. He then served as a councilman for four years, was re-elected mayor in 1957 and has held the office since.

A native of Aiken who loves to spin tales about early days when the city was filled with horses, carriages and dirt streets, Mayor Weeks became an institution with friends and voters, on downtown streets and street corners.

A few years ago, the mayor, known as Odell, or Crow to friends and supporters, said he imagined he cut more ribbons and participated at more ground breakings than any mayor in the state.

And he remarked, "I loved everyone of them."

In addition to serving as mayor of Aiken, Mayor Weeks was regarded as the "official mayor" of many smaller towns and cities whose officials called on him and former City Manager Roland Windham for advice on how to govern and for help in getting state and federal assistance.

"I tried to get Roland to stay on with me until I retired, but he said he had to go," the mayor said. Windham, who was city manager for 28 years, retired in March.

Windham and new City Manager Steven Thompson were with the mayor this morning.

A member of First Baptist Church, Mayor Weeks is a 1926 graduate of the old Aiken Institute and attended Clemson College. He played guard and tackle on the second and third football teams that Aiken Institute fielded.

At Clemson, he was enrolled in arts and sciences, but he was forced to leave school after his junior year because of the Depression of the 1930s.

Mayor Weeks is a vice president of Lyon-Croft-Weeks & Hunter. He is a past member of the board of directors and past president of the S.C. Municipal Association. He has been a member of the Lower Savannah Regional Planning Council Board of Directors since 1971.

Mayor Weeks was named Greater Aiken Chamber of Commerce Man of the Year and received the Aiken Toastmasters Communicator of the Year Award. He also received the Aiken Sertoma Club Service to Mankind Award.

He is a member of the Board of Visitors at Clemson University, IPTAY's Clemson representative in Aiken County for 46 years and a former IPTAY County Chairman. He is a supporter of the Aiken County Red Cross Blood Program and a charter member and a past president of the Aiken Lions Club.

He is a member of Woodmen of the World and Elks, a Mason and a Shriner. He is a member of Aikens Business Men's Club and Senior Men's Club and an honorary member of the Aiken Rotary.

The mayor, whose wife died last year, has two sons, H.O. Weeks, Jr., Aiken, and Thomas Weeks, Barnwell; and a daughter, Jane Anderson, Lexington.

RESIGNATION STATEMENT

This is the announcement made by H.O. Weeks this morning of his retirement as mayor of Aiken:

There comes a time in life when you need to look at where you have been, where you are now, and where you are going in the future. I have given all three of these a lot of thought and study, and I wish to share with you now that I will not offer for re-election as mayor of this great city of Aiken.

It is difficult to give up something that you love dearly, so you know how difficult this decision is for me. However, all of us have to make this decision at some time in life, and we move on to other things.

God has been very good to me to allow me to serve the citizens of this great city for over 44 years, with 40 years of that time being spent as mayor.

Very few individuals have the honor and pleasure of serving with such dedicated men and women on City Council as has been my privilege over the years. All of these have worked together with such harmony for the good of the entire community.

Our city employees have been dedicated, loyal employees who have worked tirelessly to provide the best services possible, and it has been my privilege to work along with them towards this end.

I have also had the great privilege of working with four city managers since the Council-Manager plan was installed by a vote of the citizens in 1955. These men were highly professional and worked with me and the other council members to help provide the quality of life for our citizens that would be difficult to equal in any community.

During my tenure in office, Roland Windham has been the longest serving city manager for a period of 28 years, and I would like to give credit to him for helping to make Aiken the great city it is today.

Many changes have occurred in this community during these 44 years, and there are so many things that stand out in my mind as being so important. They are far too numerous to mention in this statement.

There are just not many awards offered that we have not won. We have consistently been the leader in innovations in city government. Other cities throughout the Southeast have emulated us in their service deliveries to their citizens.

As I leave our council, our employees and our citizens. I feel great about the future of this city. We have attempted to address things that will maintain our heritage, keep our city beautiful, and yet maintain the type of business and residential climate that will ensure our continued growth in a very positive manner. Our infrastructure and our service levels are at an all time high thanks to positive planning by our councils and our very dedicated employees over the years.

I have such gratitude and thanks to our citizens who supported me over the years at the ballot box, and in the many innovative programs of services that we provided for them.

I could never have met the demands that the office of mayor places on the person holding this important and prestigious position had it not been for the complete support of my family and my late wife, Ella.

After 44 years it is time for a new face, new ideas, and a commitment to lead this great city to new heights and to preserve the wonderful heritage that has been handed down to us.

TRIBUTE TO THE LATE JOHN CAMPBELL

Mr. THURMOND. Mr. President, I rise today to pay tribute to the memory of a truly outstanding South Carolinian, my good friend John Campbell, who passed away on August 26. John Campbell was a man of character, courage, and compassion, and we shall miss him greatly.

John Campbell served South Carolina with energy and dedication in a number of positions ranging from city councilman to secretary of state. Although he was well-known primarily in his role as a public servant, he was an astute and successful businessman as well.

John was the son of Gordon and Mary Tucker Campbell, and he grew up in Columbia, SC. He graduated from Columbia High School and attended the University of South Carolina. Although he was forced to drop out of college to help support his family, his lack of a college degree never hampered his career goals or his keen interest in the world around him. He put his native intelligence and talent to work by opening and maintaining a successful chain of drug stores in the Columbia area.

After establishing himself as a businessman, Campbell got his start in politics in a somewhat unique way. He became dissatisified with the trash collection at his drugstores and complained to the city manager. When he got no results, he decided to run for city council and was elected. After serving two terms as a councilman, he went on to become mayor of Columbia.

During his 8 years as mayor, John Campbell established himself as a hard-working, dedicated public servant. He also established his very personal political style, maintaining an open door policy and trying to meet as many of his constitutents as possible.

At the age of 65, Campbell was successful in his first campaign for statewide office. He was elected to the position of South Carolina Secretary of State, in which he served three terms.

Whether engaging in business activities, campaigning, or community endeavors, Campbell's trademark was his affable nature and concern for others. He had an ability to put others at ease, and a large part of his effectiveness was due to his charming personality.

John was active in many organizations, including the Columbia Chamber of Commerce, the Optimists, the American Legion, Veterans of Foreign Wars, Disabled American Veterans, and the Shriners. He served on the board of Shandon United Methodist Church and was president of the South Carolina Municipal Association.

Mr. President, with the passing of John Campbell, South Carolina has lost a fine friend. John was a man of energy and accomplishment, whose dedication to the welfare of his fellow man was realized in a lifetime of service to others. He was a loving husband and father, a loyal and devoted friend, and a man of principle. We shall miss him greatly.

I would like to take this opportunity to express my deepest condolences to John's lovely wife, Gertrude Davis Campbell; his son, James Campbell, and his brother, Alva Campbell, as well as the rest of his family.

I ask unanimous consent that an editorial from the State newspaper be included in the RECORD immediately following my remarks.

[From the State, Sept. 4, 1991]

OLD-TIMEY POLITICIAN

John Campbell was an old-fashioned politician, and in the end it cost him his job. But for almost a third of his life, he was a gregarious man who loved the people, loved public service and loved a party.

Mr. Campbell, who died last week, was a Columbia city councilman for two terms before his election as mayor in 1970. He was often razzed and criticized for attending every ribbon-cutting but doing little else. In fact, he was a major factor in restoring calm to a city troubled with racial unrest in the early '70s.

In 1978, he ran for the largely ceremonial job of South Carolina secretary of state. Again, he was popular with the Democratic voters and held the office for three terms. But last year, when state legislators and lobbyists were snared in a vote-selling scheme, Mr. Campbell was roundly criticized by Republican Jim Miles for failing to enforce lobbying laws and for accepting political con-

tributions from those he regulated. The voters were ready for a change, and Mr. Campbell found himself out of office.

If he was bitter, he never showed it. Two months after his defeat, he developed heart problems and lung cancer. "I guess the good Lord knows what's best," he told an interviewer. "If I had been re-elected, I wouldn't have been able to serve."

Mr. Campbell's neighborhood drug stores were popular hangouts for young and old alike. He knew the folks of this town and they knew him. He was at every cocktail party, rubber-chicken dinner and testimonial at a time when that translated into votes at the polls. Times changed and he didn't. But he remained an affable gentleman whose main ambition was to serve the people.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, treaties, and a withdrawal which were referred to the appropriate committees.

(The nominations, treaties, and withdrawal received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS AND THE NATIONAL HOUSING PARTNERSHIP—MESSAGE FROM THE PRESIDENT—PM 75

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I transmit herewith the 22nd annual report of the National Corporation for Housing Partnerships and the National Housing Partnership for the fiscal year ending February 28, 1991, in accordance with the provisions of section 3938(a)(1) of title 42 of the United States Code.

GEORGE BUSH.

THE WHITE HOUSE, *September 11, 1991.*

ANNUAL REPORT OF THE RAILROAD RETIREMENT BOARD—MESSAGE FROM THE PRESIDENT—PM 76

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

I hereby submit to the Congress the Annual Report of the Railroad Retirement Board for Fiscal Year 1990, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act, and section 12(1) of the Railroad Unemployment Insurance Act.

The Railroad Retirement Board (RRB) serves nearly 900,000 railroad retirees and their families and almost 280,000 railroad employees who rely on the system for retirement, unemployment, disability, and sickness insurance benefits. Beneficiaries depend on the financial integrity of the pension funds for payment of their benefits.

This report includes the RRB's 18th actuarial valuation of the railroad retirement program's assets and liabilities. The valuation concluded that, barring a sudden, unanticipated, large drop in railroad employment, the railroad retirement system will experience no cash-flow problems for at least 20 years. The long-term stability of the system, however, remains questionable, and under the current financing structure, actual levels of rail employment in the coming years will determine whether additional corrective action is necessary.

The Railroad Retirement Reform Commission, created by the Congress to give the rail sector a chance to address the financial instability of the rail pension, issued its report in September of 1990. I strongly oppose the report's recommendation to renew the diversion of Federal income taxes to the rail pension. Since 1983, approximately $1.5 billion in such taxpayer subsidies have been given to the rail pension fund. Railroad pension benefits should be financed solely by rail sector resources, and I will continue to oppose any additional general revenue funding measures for the railroad retirement system.

Other Commission recommendations such as privatization hold promise as equitable reforms to the system; rules protecting private pensions (ERISA) should also apply to the railroad's private pension system.

The Commission adopted a proposal contained in the Administration's FY 1992 budget to extend benefits to all rail sector beneficiaries, such as widows and divorced spouses. These individuals would have been eligible for benefits under Social Security but are denied equivalent benefits by the rail system. Conforming rail social security and Social Security would make the rail pension benefit structure more equitable. This Administration has a strong belief in just governance and supports such a measure that would conform benefit eligibility under the Railroad Retirement Act with the Social Security Act.

The Office of Management and Budget (OMB) was concerned with the overall management of RRB programs and engaged in a thorough management review of its operations. As a result of this review, an agreement was reached between OMB and RRB that included a 5-year management plan outlining the specific improvements and resources necessary to achieve much needed reforms at the RRB. Both OMB and RRB are committed to many substantial reforms, and the RRB leadership is demonstrating a new and progressive approach to addressing inefficiencies, debt collection, and automation modernization. I commend the Board for its efforts and urge the Congress to support appropriations for these measures to enhance RRB efficiency, eliminate material weaknesses, and to protect the integrity of the trust funds. The RRB Inspector General's Office also deserves praise for its diligence in monitoring and enforcing industry compliance with the pension contribution statutes. Such efforts help to preserve the integrity of the rail pension funds, on which rail employees and retirees depend.

GEORGE BUSH.

THE WHITE HOUSE, *September 11, 1991.*

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment:

H.R. 2132. A bill to authorize the Fort Smith Airport Commission to transfer to the city of Fort Smith, Arkansas, title to certain lands at the Fort Smith Municipal Airport for construction of a road (Rept. No. 102–144).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment:

H.R. 2387. A bill to authorize appropriations for certain programs for the conservation of striped bass, and for other purposes (Rept. No. 102–145).

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 479. A bill to encourage innovation and productivity, stimulate trade, and promote the competitiveness and technological leadership of the United States (Rept. No. 102–46).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

Mr. DOMENICI:

S. 1701. A bill to amend the Internal Revenue Code of 1986 to allow claims for refunds or credits in district courts or the United States Claims Court for estates electing application of section 6166; to the Committee on Finance.

Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1702. A bill to establish the Great Falls Historic District Commission for the preservation and redevelopment of the Great Falls National Historic District in Paterson, New Jersey; to the Committee on Energy and Natural Resources.

Mr. MACK:

S. 1703. A bill to designate the Federal building located at 80 North Hughey Avenue, in Orlando, Florida, as the "George C. Young United States Courthouse and Federal Building"; to the Committee on Environment and Public Works.

Mr. WALLOP:

S. 1704. A bill to improve the administration and management of public lands, National Forests, units of the national Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost effective housing for employees needed to effectively manage the public lands; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

Mr. DOLE (for himself, Mr. PELL, Mr. LIEBERMAN, Mr. GORTON, Mr. WARNER, Mr. WOFFORD, Mr. LEVIN, Mr. PRESSLER, and Mr. NICKLES):

S. Res. 176. A resolution to condemn the violence in Yugoslavia, to express Senate support for EC mediation efforts with respect to Yugoslavia and to urge the administration to raise this issue in Moscow at the CSCE meeting on the Human Dimension; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 1701. A bill to amend the Internal Revenue Code of 1986 to allow claims for refunds or credits in district courts or the U.S. Claims Court for estates electing application of section 6166; to the Committee on Finance.

SETTLEMENT OF CERTAIN ESTATE CASES

• Mr. DOMENICI. Mr. President, I am introducing legislation today, to restore equity to small businesses who wish to dispute their tax claims in a U.S. District or Claims Court. A recent U.S. Appeals Court ruling has brought this responsibility to the hands of Congress with regard to clarifying the rights of section 6166 taxpayers—the longstanding tax option created by Congress that permits small businesses to pay their estate tax payments over 10 years.

The Congress created section 6166 in 1958 as part of the Small Business Tax Revision Act. This provision is designed to prevent the break-up of small businesses in order to pay Federal estate taxes. Section 6166 makes it possible to maintain a business enterprise when the death of one of the primary owners of the family business results in the imposition of a relatively heavy estate tax.

The intent of section 6166 is not to reduce the tax owed to the Federal Government, but simply to reduce the burden of a lump-sum payment and to keep businesses, especially family businesses, alive and in the family. Since its creation, section 6166 has become a popular option for small businesses faced with the death of a principal owner.

At approximately the same time that section 6166 was created, the U.S. Supreme Court ruled that Federal district courts do not have jurisdiction over a taxpayer's tax dispute against the IRS without prior full payment of taxes owed. This is commonly referred to as the Flora full-payment rule.

Consequently, section 6166 and the full-payment rule are at odds in cases where a 6166 taxpayer wishes to dispute the amount of tax owed in a U.S. District or Claims Court. Since that time, however, the courts have interpreted this situation to mean that section 6166 taxpayers represent an exception to the full-payment rule, as long as the taxpayer is up-to-date with the tax payments.

A case was brought before a U.S. Claims Court last March that involved a section 6166 taxpayer who wished to dispute these taxes. The IRS claimed that the taxpayer was, in fact, not eligible for section 6166, and therefore, was not in compliance with the full-payment rule. The Claims Court dismissed the case and the U.S. Court of Appeals affirmed the dismissal. However, the U.S. Court of Appeals used language which is broader in scope than even the IRS had advocated in the case.

The Federal circuit court ruled that the taxpayer estate should not be allowed to maintain a refund suit without sacrificing the deferral privilege accorded by section 6166. The court stated that:

Congress, in section 6166, has merely permitted an estate to pay the single tax in installments with interest. As a result, the partial satisfaction of the tax by an installment payment under section 6166 does not satisfy the full-payment rule. While the rule may result in economic hardship in some cases, it is Congress' responsibility to amend the law.

Mr. President, the ball had been returned to our court, so to speak. The legislation I am introducing today is simple and to the point. It clarifies that section 6166 taxpayers who are current on their payments may dispute their tax claims in a U.S. District or Claims Court.

The need for this clarification is not obscure. The impact of the new interpretation of section 6166 as ineligible to dispute in U.S. District or Claims Court will impact small businesses across the United States, putting in further jeopardy the ability of small businesses to pay their Federal taxes and remain in business. This is especially important to family businesses. There are approximately 13,000 businesses that have elected section 6166. Eighty-one such taxpayers reside in New Mexico. While few of these taxpayers are likely to dispute their taxes, their rights should remain intact. There is no reason why a small business that is paying its estate tax in payments, because to do otherwise would destroy the business, should not be afforded the same right to dispute their liability in a U.S. District or Claims Court. This is a right held by all other taxpayers.

Let me cite an example that will illustrate the problem. In 1985 a plane accident took the lives of Mr. and Mrs. Ben Abruzzo, of Albuquerque, NM. At the time of their deaths, the Abruzzos held an interest in four corporations. The Abruzzo estate filed the Federal estate tax return on November 8, 1985, and elected to defer eligible taxes pursuant to section 6166. Without this option, the estates would have jeopardized the business.

The IRS then assessed additional estate taxes on the Abruzzos for amounts in excess of $2 million. The Abruzzos borrowed money to pay the tax, and filed for a refund in the U.S. Claims Court where the case has been pending until the present. Because of the March Court of Appeals ruling, however, jurisdiction over the Abruzzo's case is on very shaky grounds. For estates being transferred now, section 6166 taxpayers have no basis on which to file in a U.S. District Court. This is a dilemma faced by businesses across the country. In contradiction with the March court decision rejecting jurisdiction of section 6166 taxpayers, in the Abruzzo's case, the Department of Justice has filed a brief in support of jurisdiction. However, once in court, the judge will be bound by the March ruling. This illustrates that even the Department of Justice supports the case that such taxpayers should have the right to dispute their taxes in court.

A legislative clarification is necessary to ensure that small businesses, like the Abruzzos, are granted their constitutional right to dispute taxes owed. This clarification doesn't impose a new liability on the Federal Government. It simply restores the status quo. This is a simple bill of fairness; one that I hope will be acted upon quickly and favorably by the Finance Committee and the Senate.•

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 1702. A bill to establish the Great Falls Historic District Commission for the preservation and redevelopment of the Great Falls National Historic District in Paterson, NJ; to the Committee on Energy and Natural Resources.

GREAT FALLS HISTORIC DISTRICT COMMISSION

• Mr. LAUTENBERG. Mr. President, I rise today to introduce legislation, on behalf of myself and my colleague Senator BRADLEY, to establish the Great Falls Historic District Commission. The Commission, a Federal, State, and local partnership, would create a comprehensive plan for the preservation and redevelopment of the Great Falls

National Historic District in Paterson, NJ.

The legislation which Senator BRADLEY and I are introducing today is identical to a bill introduced in the House of Representatives on July 29, 1991, by my dear friend and colleague, Representative ROE.

Paterson holds a special place in history as one of the leading industrial cities of this Nation. The area around the Great Falls was selected in 1793 by Alexander Hamilton as his laboratory for the development of industrial America. The Great Falls Historic District is the site of the first attempt in the United States to harness the entire power of a major river for industrial purposes.

Unfortunately, Paterson, which is about to celebrate its bicentennial, has had its share of bad fortune. The historic district has been ravaged by fires over the past 10 years. In fact, the National Park Service, in its 1989 Report on Damaged and Threatened National Historic Landmarks, described the Great Falls Historic District as suffering "severe physical deterioration" and recommended that the structures be "stabilized, and when a compatible new use is found, rehabilitation should be undertaken."

As a first step toward preserving the rich history of Paterson, I have secured $4.2 million in funding in the fiscal year 1992 Interior appropriations bill reported by the Senate Appropriations Committee for immediate renovations in the Great Falls Historic District as part of a broader New Jersey Urban History Initiative. I will be working to preserve this funding in the final version of the appropriations bill.

We must also look at the long-term solutions to halting the deterioration of these historical treasures. Once these physical reminders of our rich heritage are gone, we lose a part of our history forever. This bill would take a major step toward providing the long-term planning necessary to improve and reinvigorate America's first industrial city for generations to come.

The Commission, established under this bill, would consist of nine members including the Secretaries of the Departments of the Interior, Housing and Urban Development, Transportation and Commerce, as well as five members appointed by the Secretary of the Department of the Interior, including several representatives selected by local elected officials. Within 18 months from the effective date of this legislation, the Commission would submit a plan with recommendations regarding development of the historic district including private and public uses and ownership, design criteria for buildings and open space.

I urge my colleagues to support this legislation to establish a Great Falls Historic District Commission.

Mr. President, I ask for unanimous consent to print the full text of the bill in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of preserving and interpreting for the educational and inspirational benefit of present and future generations the unique and significant contribution to our national heritage of certain historic and cultural lands, waterways, and edifices in the Great Falls of the Passaic/S.U.M. National Historic District located in the City of Paterson, State of New Jersey (Alexander Hamilton's laboratory for the development of industrial America as well as America's first industrial city) with emphasis on harnessing this unique urban environment for its educational value as well as for recreation, there is hereby established the Great Falls Historic District Commission (hereinafter referred to as the "Commission"), the purpose of which shall be to prepare a plan for the preservation, interpretation, development, and use, by public and private entities, of the historic, cultural, and architectural resources of the Great Falls of Passaic/S.U.M. National Historic District in the City of Paterson, State of New Jersey.

SEC. 2. (a) The Commission shall consist of nine members, as follows:

(1) the Secretary of the Interior, the Secretary of Housing and Urban Development, the Secretary of Transportation, and the Secretary of Commerce, all ex officio; and

(2) five members appointed by the Secretary of the Interior, one of whom shall be the Director of the National Park Service, two of whom shall be appointed from recommendations submitted by the Mayor of the City of Paterson, one of whom shall be appointed from recommendations submitted by the Board of Chosen Freeholders of the County of Passaic, New Jersey, and one of whom shall be appointed from recommendations submitted by the Governor of the State of New Jersey. The members appointed pursuant to this paragraph shall have knowledge and experience in one or more of the fields of history, architecture, the arts, recreation planning, city planning, or government.

(b) Each member of the Commission specified in paragraph (1) of subsection (a) and the Director of the National Park Service may designate an alternate official to serve in his stead. Members appointed pursuant to paragraph (2) of subsection (a) who are officers or employees of the Federal Government, the City of Paterson, the County of Passaic, or the State of New Jersey, shall serve without compensation as such. Other members, when engaged in activities of the Commission, shall be entitled to compensation at the rate of not to exceed $100 per diem. All members of the Commission shall receive reimbursement for necessary travel and subsistence expenses incurred by them in the performance of the duties of the Commission.

SEC. 3. (a) The Commission shall elect a Chairman from among its members. Financial and administrative services (including those relating to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided for the Commission by the General Services Administration, for which payments shall be made in advance, or by reimbursement, from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator, General Services Administration: *Provided,* That the regulations of the Department of the Interior for the collection of indebtedness of personnel resulting from erroneous payments shall apply to the collection of erroneous payments made to or on behalf of a Commission employee, and regulations of said Secretary for the administrative control of funds shall apply to appropriations of the Commission: *And provided further,* That the Commission shall not be required to prescribe such regulations.

(b) The Commission shall have power to appoint and fix the compensation of such additional personnel as may be necessary to carry out its duties, without regard to the provisions of the civil service laws and the Classification Act of 1949.

(c) The Commission may also procure, without regard to the civil service laws and the Classification Act of 1949, temporary and intermittent services to the same extent as is authorized for the executive departments by section 15 of the Administrative Expenses Act of 1946, but at rates not to exceed $100 per diem for individuals.

(d) The members of the Commission specified in paragraph (1) of section 2(a) shall provide the Commission, on a reimbursable basis, with such facilities and services under their jurisdiction and control as may be needed by the Commission to carry out its duties, to the extent that such facilities and services are requested by the Commission and are otherwise available for that purpose. To the extent of available appropriations, the Commission may obtain, by purchase, rental, donation, or otherwise, such additional property, facilities, and services as may be needed to carry out its duties. Upon the termination of the Commission all property, personal and real, and unexpended funds shall be transferred to the Department of the Interior.

SEC. 4. It shall be the duty of the Commission to prepare the plan referred to in the first section of this Act, and to submit the plan together with any recommendations for additional legislation, to the Congress not later than eighteen months from the effective date of this Act. The plan for the Great Falls of the Passaic/S.U.M. Historic District shall include considerations and recommendations, without limitation, regarding (1) the objectives to be achieved by the establishment, development, and operation of the area; (2) the types of use, both public and private, to be accommodated; (3) criteria for the design and appearance of buildings, facilities, open spaces, and other improvements; (4) a program for the staging of development; (5) the anticipated interpretive, cultural, and recreational programs and uses for the area; (6) the proposed ownership and operation of all structures, facilities, and lands; (7) areas where cooperative agreements may be anticipated; (8) estimates of costs, both public and private, of implementing and ensuring continuing conformance to the plan.

SEC. 5. The Commission shall be dissolved (1) upon the termination, as determined by its members, of need for its continued existence for the implementation of the plan and the operation or coordination of the entity established by the plan, or (2) upon expiration of a two-year period commencing on the effective date of this Act, whereupon the completed plan has not been submitted to the Congress, whichever occurs later.

SEC. 6. It is comtemplated that the plan to be developed may propose that the Commission may be authorized to—

(1) acquire lands and interests therein within the Great Falls of the Passaic/S.U.M. Historic District by purchase, lease, donation, or exchange;

(2) hold, maintain, use, develop or operate buildings, facilities, and any other properties;

(3) sell, lease, or otherwise dispose of real or personal property as necessary to carry out the plan;

(4) enter into and perform such contracts, leases, cooperative agreements, or other transactions with any agency or instrumentality of the United States, the State of New Jersey, and any governmental unit within its boundaries, or any person, firm, association, or corporation as may be necessary;

(5) establish (through covenants, regulations, agreements, or otherwise) such restrictions, standards, and requirements as are necessary to assure development, maintenance, use, and protection of Great Falls of the Passaic/S.U.M. Historic District in accordance with the plan; and

(6) borrow money from the Treasury of the United States in such amounts as may be authorized in appropriations Acts on the basis of obligations issued by the Commission in accordance with terms and conditions approved by the Secretary of the Treasury. The Secretary of the Treasury is authorized and directed to purchase any such obligations of the Commission.

SEC. 7. Title to property of the Commission shall be in the name of the Commission, but it shall not be subject to any Federal, State, or municipal taxes.

SEC. 8. There are authorized to be appropriated not to exceed $200,000 for the preparation of the plan authorized by this Act.●

By Mr. MACK:

S. 1703. A bill to designate the Federal building located at 80 North Hughey Avenue, in Orlando, FL, as the "George C. Young United States Courthouse and Federal Building"; to the Committee on Environment and Public Works.

GEORGE C. YOUNG UNITED STATES COURTHOUSE AND FEDERAL BUILDING

● Mr. MACK. Mr. President, I am pleased to introduce legislation today which designates the Federal courthouse building in Orlando, FL, as the "George C. Young United States Courthouse and Federal Building." This bill provides us with the opportunity to honor a man who has devoted his life to the pursuit of justice through our judicial system.

Judge George Young was appointed to the U.S. District Court in 1964 and was the first district court judge to be assigned to the Orlando division in the Middle District of Florida. Judge Young served as chief judge of the Middle District of Florida from 1971 to 1981 at which time he elected to take senior status.

Judge Young who is known as a judicial scholar, has earned the reputation of being a tough, yet fair, jurist. His untiring dedication to the strict interpretation of the law as a means to legal justice and his consistently thorough research on the issues which are brought before him, make him a splendid example for those arbiters of justice who practice law in the building which I have proposed be named after him.

Mr. President, today, the Federal Bar Association in Orlando is honoring this outstanding jurist. I join the Federal Bar Association in honoring an individual who has served the judiciary with distinction.

Thank you, Mr. President, and I urge the Senate to act expeditiously on this legislation.●

By Mr. WALLOP:

S. 1704. A bill to improve the administration and management of public lands, national forests, units of the National Park System, and related areas by improving the availability of adequate, appropriate, affordable, and cost-effective housing for employees needed to effectively manage the public lands; to the Committee on Energy and Natural Resources.

RANGER FAIR HOUSING ACT

● Mr. WALLOP. Mr. President, I am introducing today the Ranger Fair Housing Act of 1991. This legislation would remedy an increasingly serious situation affecting the management of our public lands.

Employee housing provided by several land managing agencies has not kept pace with the increasing demands placed upon the agencies. The housing stock is aging and increasingly expensive to maintain. The deteriorated condition of many of the units is creating serious recruitment, retention, and morale problems for the agencies.

The National Park Service recently completed a rental rate comparability study for the North Atlantic rental survey area. This survey proposed increases of employee rents up to 46 percent of the employee's base salary. The most recent Census Bureau American Housing Survey reveals that the average cost of rental housing nationwide is 27 percent of gross family income, including the cost of utilities, yet the Federal Government is requiring an employee to live in Government housing as a condition of their employment and then charging almost twice the national average for that privilege. This inequity is particularly onerous when you consider that the gross monthly salary for many of these employees is between $1,300 and $1,600. In one case, a GS–5 Ranger making $1,300 a month would pay the Government $599 a month to rent a house in which he is required to live. This leaves $701 a month for taxes, utilities, food, and perhaps, if the employee is frugal, a candy bar. I am introducing an amendment to the fiscal year 1992 Interior appropriations bill to delay the implementation of these rental rate increases until the committees of jurisdiction have an opportunity to review this entire situation.

Of the 19,096 Government housing units inventoried by the Bureau of Reclamation, 5,262 are owned by the U.S. Forest Service, 5,171 are owned by the National Park Service and 4,564 are owned by the Bureau of Indian Affairs. The remainder are owned by several different agencies. The National Park Service estimates the cost of bringing their housing stock up to acceptable levels at $546,081,000.

Similar problems exist in all of the major land management agencies. Insufficient and inappropriate housing is an identified problem for the Forest Service in the Pacific Northwest and elsewhere. The Forest Service estimates a need for $175,539,000 to meet their housing needs. Escalating maintenance costs plague the Bureau of Indian Affairs. They estimate a $40 million need. Aging housing stock and the associated increasing maintenance costs are a recurring theme throughout the agencies.

A 1988 Department of the Interior study indicates that private sector involvement through build—to—lease or guaranteed rental contracts may provide cost-effective relief in some instances. This approach, coupled with establishing and following an agency-wide facilities construction and rehabilitation priority list will provide the authority and the direction to correct the most pressing problems first.

The Forest Service reports employees having to live in 30-year-old trailers with leaking roofs, up to 10 employees of both sexes sharing a single shower, sleeping in pick-ups parked in old horse barns, walling off corners of ware houses and basements to provide bunkhouse space and requests to use the attics of office buildings as crew quarters. The Forest Service's increasing utilization of volunteers is seriously hampered by the lack of housing for them. To quote one Forest Service respondent: "I am seeing conditions I would not want my son or daughter exposed to."

Another problem, which affects all agencies, but the National Park Service particularly, is an increasingly serious recruitment and retention problem in high-cost-of-living areas. While the term "National Park" brings to mind western visions of Yellowstone and Yosemite to most people, the majority of the NPS areas and employees are located in the East. The cost of living and the relatively low pay of most of the employees assigned there, have created extreme situations of near poverty.

A study conducted by the Association of National Park Rangers in 1988 and 1989 revealed that employees were living in automobiles and sharing substandard housing with several others in high-crime areas just to have a roof over their heads. Others are reporting spending over 60 percent of their salary for housing. A significant number are choosing to leave the Service rather than endure marginal living conditions or exhaust their savings in an effort to

survive. Without a fairly immediate correction of the disparity between housing costs and salary levels, many of our park areas in high-cost-of-living areas will be forced to operate with insufficient staff.

This bill requires the Secretaries to provide safe, appropriate employee housing either on or off-premises at rental rates that do not exceed the national average rate paid by renters. This also would roughly correspond to the level at which commercial lending institutions would approve a home mortgage. To expedite the process and reduce the immediate drain on the Treasury, it further authorizes the agency heads to enter into lease agreements with the private sector to provide that housing where it is practical and appropriate.

Another problem that this legislation addresses is that of infrastructure to support employee housing. In many areas of the country, local jurisdictions and Federal agencies could effect significant cost savings by developing water, sewer, and similar infrastructure facilities cooperatively. Under current law, agencies are prohibited from contributing toward the development of mutually beneficial facilities, if those facilities are outside the agencies' jurisdictions. In some areas the agency employee housing is reasonably close to the community, yet two complete support infrastructures, with their associated costs and environmental impacts, have been created because of the agency property boundary. This redundancy is not in the public interest.

This legislation merely provides the authority to the heads of the agencies to provide housing for necessary personnel in such a way as they are neither unduly rewarded nor penalized for their dedication to their chosen professions. As a nation, we have the right to expect high quality, professional service from those agencies and personnel entrusted with the care of our natural and cultural resources. As individuals, they have a right to expect decent housing to be available at their assigned duty stations.

For this legislation to truly accomplish what is intended, I must call for the support and cooperation of my colleagues in the Senate and in the House of Representatives. For too long now, we have yielded to the temptation to promise funding and support for various new or attractive public lands projects. Invariably, this support comes at the expense of other projects which, in the national scheme of things are more important. We have collectively allowed sometimes narrow, parochial interests to define and drive what should be national systems of parks, forests, refuges, and public lands. In the process, we have, with good intentions but sad results, shifted vital resources from established parks, forests, refuges, and public lands with real needs and nationally significant resources, to areas or projects which may be of importance, but in the larger national context may not compare to that which is being ignored. It should be clear to us all that there is not an unlimited amount of money to do all the good things we may promise. It is just as clear to me that we are now, and increasingly will be, faced with making some extremely difficult choices among competing land management projects. Those decisions must be made with a view to their long-term benefits for the American people as a whole and their impacts and implications for these national systems of parks, forests, refuges and public lands as systems and not as isolated units within specific States or districts.●

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. KENNEDY, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 2, a bill to promote the achievement of national education goals, to establish a National Council on Educational Goals and an Academic Report Card to measure progress on the goals, and to promote literacy in the United States, and for other purposes.

S. 24

At the request of Mr. MOYNIHAN, the names of the Senator from New Hampshire [Mr. SMITH], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 24, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion from gross income of educational assistance provided to employees.

S. 26

At the request of Mr. MOYNIHAN, the name of the Senator from California [Mr. SEYMOUR] was added as a cosponsor of S. 26, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income the value of certain transportation furnished by an employer, and for other purposes.

S. 88

At the request of Mr. WOFFORD, his name was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for health insurance costs for self-employed individuals.

S. 140

At the request of Mr. WIRTH, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 140, a bill to increase Federal payments in lieu of taxes to units of general local government, and for other purposes.

S. 311

At the request of Mr. ROTH, the name of the Senator from Oregon [Mr. PACKWOOD] was added as a cosponsor of S. 311, a bill to make long-term care insurance available to civilian Federal employees, and for other purposes.

S. 401

At the request of Mr. DOMENICI, the names of the Senator from Arkansas [Mr. PRYOR], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 401, a bill to amend the Internal Revenue Code of 1986 to exempt from the luxury excise tax parts or accessories installed for the use of passenger vehicles by disabled individuals.

S. 474

At the request of Mr. DECONCINI, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Maryland [Ms. MIKULSKI], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of S. 474, a bill to prohibit sports gambling under State law.

S. 581

At the request of Mr. BOREN, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 581, a bill to amend the Internal Revenue Code of 1986 to provide for a permanent extension of the targeted jobs credit, and for other purposes.

S. 596

At the request of Mr. MITCHELL, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 596, a bill to provide that Federal facilities meet Federal and State environmental laws and requirements and to clarify that such facilities must comply with such environmental laws and requirements.

S. 646

At the request of Mr. DECONCINI, the names of the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 646, a bill to amend title 28, United States Code, to authorize the appointment of additional bankruptcy judges.

S. 649

At the request of Mr. BREAUX, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 649, a bill to amend the Internal Revenue Code of 1986 to repeal the luxury tax on boats.

S. 720

At the request of Mr. KENNEDY, the names of the Senator from Washington [Mr. ADAMS], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 720, a bill to provide financial assistance to eligible local educational agencies to improve urban education, and for other purposes.

S. 730

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 730, a bill to provide for the reduction of metals in packaging.

S. 747

At the request of Mr. PRYOR, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 747, a bill to amend the Internal Revenue Code of 1986 to clarify portions of the Code relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 765

At the request of Mr. BREAUX, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 765, a bill to amend the Internal Revenue Code of 1986 to exclude the imposition of employer social security taxes on cash tips.

S. 846

At the request of Mr. PRYOR, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 846, a bill to amend title XIX of the Social Security Act to establish Federal standards for long-term care insurance policies.

S. 1125

At the request of Mr. PRYOR, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1125, a bill to provide incentives to health care providers serving rural areas, to provide grants to county health departments providing preventative health services within rural areas, to establish State health service corps demonstration projects, and for other purposes.

S. 1240

At the request of Mr. CHAFEE, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1240, a bill to amend title XIX of the Social Security Act to provide criteria for making determinations of denial of payment to States under such Act.

S. 1257

At the request of Mr. BOREN, the names of the Senator from Nebraska [Mr. EXON], the Senator from Mississippi [Mr. COCHRAN], the Senator from Alabama [Mr. HEFLIN], the Senator from North Carolina [Mr. HELMS], the Senator from Connecticut [Mr. LIEBERMAN], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 1257, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain real estate activities under the limitations on losses from passive activities.

S. 1333

At the request of Mr. SASSER, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Hawaii [Mr. INOUYE], the Senator from Utah [Mr. GARN], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 1333, a bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the Administrator of General Services to make available for humanitarian relief purposes any nonlethal surplus personal property, and for other purposes.

S. 1364

At the request of Mr. PRYOR, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 1364, a bill to amend the Internal Revenue Code of 1986 to simplify the application of the tax laws with respect to employee benefit plans, and for other purposes.

S. 1455

At the request of Mr. GRAHAM, the names of the Senator from Oregon [Mr. HATFIELD], the Senator from Florida [Mr. MACK], the Senator from Colorado [Mr. BROWN], the Senator from Massachusetts [Mr. KERRY], the Senator from Alaska [Mr. STEVENS], and the Senator from California [Mr. SEYMOUR] were added as cosponsors of S. 1455, a bill entitled the "World Cup USA 1994 Commemorative Coin Act."

S. 1493

At the request of Mr. GRAHAM, the name of the Senator from Pennsylvania [Mr. WOFFORD] was added as a cosponsor of S. 1493, a bill to establish the High Speed Surface Transportation Development Corporation; to provide for high speed surface transportation infrastructure development; and for other purposes.

S. 1505

At the request of Mr. DECONCINI, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1505, a bill to amend the law relating to the Martin Luther King, Jr. Federal Holiday Commission.

S. 1522

At the request of Mr. BOREN, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 1522, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment by cooperatives of gains or losses from sale of certain assets.

S. 1527

At the request of Mr. BAUCUS, his name was withdrawn as a cosponsor of S. 1527, a bill to amend the Agricultural Act of 1949 to establish a price support and production base system for the production of milk and products of milk that will increase producer prices and balance production with consumption of milk and products of milk, to establish a producer board to administer certain export enhancement, diversion and other milk inventory management programs, and to require increased solids content in fluid milk, and for other purposes.

S. 1533

At the request of Mr. BRYAN, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 1533, a bill to establish a statute of limitations for private rights of action arising from a violation of the Securities Exchange Act of 1934.

S. 1553

At the request of Mr. CRANSTON, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1553, a bill to establish a program of marriage and family counseling for certain veterans of the Persian Gulf War and the spouses and families of such veterans.

S. 1563

At the request of Mr. KERRY, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 1563, a bill to authorize appropriations to carry out the National Sea Grant College Program Act, and for other purposes.

S. 1572

At the request of Mr. BREAUX, the names of the Senator from North Dakota [Mr. BURDICK], and the Senator from Hawaii [Mr. AKAKA] were added as cosponsors of S. 1572, a bill to amend title XVIII of the Social Security Act to eliminate the requirement that extended care services be provided not later than 30 days after a period of hospitalization of not fewer than 3 consecutive days in order to be covered under part A of the medicare program, and to expand home health services under such program.

S. 1579

At the request of Mr. INOUYE, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 1579, a bill to provide for regulation and oversight of the development and application of the telephone technology known as pay-per-call, and for other purposes.

S. 1614

At the request of Mr. GRAHAM, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 1614, a bill to amend the Rehabilitation Act of 1973 to revise and extend the program regarding independent living services for older blind individuals, and for other purposes.

S. 1623

At the request of Mr. DECONCINI, the names of the Senator from Wisconsin [Mr. KASTEN], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 1623, a bill to amend title 17, United States Code, to implement a royalty payment system and a serial copy management system for digital audio recording, to prohibit certain copyright infringement actions, and for other purposes.

S. 1641

At the request of Mr. BREAUX, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1641, a bill to amend section 468A of the Internal Revenue Code of 1986 with respect to deductions for decommissioning costs of nuclear powerplants.

SENATE JOINT RESOLUTION 89

At the request of Mr. DECONCINI, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Joint Resolution 89, A joint resolution expanding United States support for the Baltic States.

SENATE JOINT RESOLUTION 145

At the request of Mr. CRANSTON, the names of the Senator from Tennessee [Mr. GORE], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Joint Resolution 145, a joint resolution designating the week beginning November 10, 1991, as "National Women Veterans Recognition Week".

SENATE JOINT RESOLUTION 148

At the request of Mr. BRYAN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of Senate Joint Resolution 148, a joint resolution designating October 8, 1991, as "National Firefighters Day".

SENATE JOINT RESOLUTION 157

At the request of Mr. ROCKEFELLER, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of Senate Joint Resolution 157, a joint resolution to designate the week beginning November 10, 1991, as "Hire a Veteran Week".

SENATE JOINT RESOLUTION 160

At the request of Mr. KERRY, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Senate Joint Resolution 160, a joint resolution designating the week beginning October 20, 1991, as "World Population Awareness Week".

SENATE JOINT RESOLUTION 172

At the request of Mr. INOUYE, the names of the Senator from California [Mr. CRANSTON], the Senator from Alabama [Mr. HEFLIN], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of Senate Joint Resolution 172, a joint resolution to authorize and request the President to proclaim the month of November 1991, and the month of each November thereafter, as "National American Indian Heritage Month".

SENATE JOINT RESOLUTION 174

At the request of Mr. GRAHAM, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Joint Resolution 174, a joint resolution designating the month of May 1992, as "National Amyotrophic Lateral Sclerosis Awareness Month".

SENATE JOINT RESOLUTION 190

At the request of Mr. MOYNIHAN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Joint Resolution 190, a joint resolution to designate January 1, 1992, as "National Ellis Island Day".

AMENDMENT NO. 1017

At the request of Mr. LEAHY, the name of the Senator from California [Mr. CRANSTON] was added as a cosponsor of Amendment No. 1017 proposed to Amendment No. 1017, an original bill to authorize appropriations for fiscal years 1992 and 1993 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

AMENDMENT NO. 1084

At the request of Mr. HARKIN, the names of the Senator from Vermont [Mr. LEAHY], the Senator from Ohio [Mr. METZENBAUM], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Amendment No. 1084 proposed to Amendment No. 1084, a bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1992, and for other purposes.

At the request of Mr. MITCHELL, his name was added as a cosponsor of Amendment No. 1084 proposed to Amendment No. 1084, supra.

SENATE RESOLUTION 176—RELATIVE TO THE VIOLENCE IN YUGOSLAVIA

Mr. DOLE (for himself, Mr. PELL, Mr. LIEBERMAN, Mr. GORTON, Mr. WARNER, Mr. WOFFORD, Mr. LEVIN, Mr. PRESSLER, and Mr. NICKLES) submitted the following resolution; which was considered and agreed to:

S. RES. 176

Whereas, following the Declaration of Independence by the Republic of Slovenia on June 25, the conflict between the Yugoslav Army and the Slovenian Government and its citizens resulted in over 100 casualties before a settlement was reached on July 10 regarding the withdrawal of the Yugoslav Army;

Whereas, over 400 people have been killed in Croatia, including civilians, as a result of fighting that began after the Republic of Croatia declared its independence on June 25, 1991, and despite several attempted ceasefires;

Whereas, according to the Department of State and the European Community ministers, the Serbian Republic leadership is actively supporting and encouraging the use of force in Croatia by Seberian militants and the Yugoslav military.

Whereas, according to the State Department and the European Community observers in Yugoslavia, the Federal Yugoslav military units in Croatia have not been serving as an impartial guarantor of a ceasefire, but have been actively supporting local Serbian forces violating the ceasefire, and causing loss of life to the citizens they are constitutionally bound to protect.

Whereas, the Republic of Serbia is continuing its brutal repression of the Albanian population in the province of Kosova which has been under martial law for more than three years;

Whereas, the European Community is actively engaged in efforts to observe and mediate the conflict in Croatia and convened a peace conference on September 7, 1991;

Whereas, the European Community sponsored peace conference on Yugoslavia does not include an Albanian representative from the Province of Kosova;

Whereas, continued violence and unrest in Yugoslavia will jeopardize the stability and security of central Europe: Now, Therefore, be it

Resolved, that—

(1) The Senate condemns the policies of violent aggression perpetrated by Serbian President Slobodan Milosevic, the Yugoslav Army and Serbian extremist guerrillas in Croatia;

(2) The Senate condemns the continuing and increasing repression against the Albanian population in the Province of Kosova;

(3) The Senate urges the administration to base its policy toward the six republics and two provinces of Yugoslavia on the democratic principles enunciated by Secretary of State on September 4, 1991, with respect to the Soviet Union;

(4) The deteriorating situation in Yugoslavia requires the United States to intensify efforts to resolve this crisis.

(5) The Senate commends the European Community for its efforts to mediate the crisis in Yugoslavia;

(6) The Senate urges the European Community to fully include an Albanian representative from the Province of Kosova in the European Community sponsored peace conference in order that a just and genuine settlement to the present crisis in Yugoslavia may be achieved and that potential violence in Kosova may be averted.

(7) The Senate calls on the administration to press for the inclusion of an Albanian representative from the Province of Kosova in the EC peace conference.

(8) The Senate urges the administration to raise the issue of Serbian Government sponsored aggression against the Croatian Government and the citizens of the Republic of Croatia, as well as against the two million Albanians in the Province of Kosova, at the conference on security and cooperation in Europe meeting on the Human dimension which convened in Moscow on September 10, 1991.

AMENDMENTS SUBMITTED

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

COCHRAN AMENDMENT NO. 1085

Mr. HARKIN (for Mr. COCHRAN) proposed an amendment to the bill (H.R. 2707) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1992, as follows:

On page 43 line 8 before the period insert the following: "*Provided further*, That of the amounts provided under this heading $3,400,000, to remain available until expended, shall be for the White House Conference on Aging".

CRANSTON AMENDMENT NO. 1086

Mr. HARKIN (for Mr. CRANSTON) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 18, line 20, insert after the colon the following: "*Provided further*, That of the amounts made available under this paragraph to the Health Resources and Services Administration, the Secretary of Health and Human Services shall, after consultation with the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, transfer $10,000,000 to carry out title XII of the Public Health Service Act:"

DECONCINI AMENDMENT NO. 1087

Mr. HARKIN (for Mr. DECONCINI) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 40, line 9, strike "$451,431,000" and insert in lieu thereof "$453,431,000".

On page 40, line 12, strike "$10,832,000" and insert in lieu thereof "$12,832,000".

On page 50, line 12, strike "$8,000,000" and insert in lieu thereof "$9,492,000".

DOMENICI AMENDMENT NO. 1088

Mr. HARKIN (for Mr. DOMENICI) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 29, line 19, strike "$3,118,832,000" and insert "$3,175,832,000: *Provided*, That notwithstanding any other provisions of this Act, funds appropriated for salaries and expenses of the Department of Labor are hereby reduced by $4,939,000; salaries and expenses of the Department of Education are hereby reduced by $1,646,000; and salaries and expenses of the Department of Health and Human Services are hereby reduced by $20,415,000.".

GORTON AMENDMENT NO. 1089

Mr. HARKIN (for Mr. GORTON) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 30, line 1 after "XVII," insert the following: "XX,".

JEFFORDS AMENDMENT NO. 1090

Mr. HARKIN (for Mr. JEFFORDS) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 70, after line 19, add the following:

"SEC. .

"Subsection (e) of section 1321 of the Higher Education Act of 1965 (20 U.S.C. 1221-1(e)) is amended by inserting at the end thereof the following new paragraph:

"(7) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of money, gifts or donations of services or property."

KENNEDY AMENDMENT NO. 1091

Mr. HARKIN (for Mr. KENNEDY) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 66, line 20, strike "$16,417,000 shall be for star schools" and insert "$18,404,000 shall be for star schools (of which $1,000,000 shall become available for obligation on September 30, 1992) and".

On page 65, line 22, strike "$254,893,000" and insert in lieu thereof "$255,893,000".

On page 67, lines 1 and 2, strike "$987,000 shall be for mid-career teacher training;".

On page 70, after line 19, insert the following:

"SEC. . From any unobligated funds available in the Departmental Management account of the Department of Education, the Secretary shall transfer on September 30, 1992 all funds available to carry out the National Summit Conference Education Act of 1984 to the Star Schools Program Assistance Act account."

REID AMENDMENT NO. 1092

Mr. HARKIN (for Mr. REID) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 43, line 2, delete "$3,553,828,000:" and insert in lieu thereof "$3,563,063,000: *Provided further*, That of the amounts appropriated, $21,470,000 shall be available for carrying out the Family Violence Prevention and Services Act of 1988".

On page 44, line 8, delete ": $63,842,000" and insert in lieu thereof "$60,794,000".

SIMON AMENDMENT NO. 1093

Mr. HARKIN (for Mr. SIMON) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 15, line 25, strike "$141,280,000" and insert "$139,680,000".

On page 58, line 7, strike "$1,323,333,000" and insert "$1,333,333,000".

On page 59, line 7, strike "and".

On page 59, line 9, strike the period and insert ", and $10,000,000 shall be for State Literacy Resource Centers under the National Literacy Act of 1991.".

BINGAMAN AMENDMENT NO. 1094

Mr. HARKIN (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 59, after line 9, insert the following: "In addition to the amounts provided, $10,000,000 shall be available to carry out section 601 of the National Literacy Act of 1991, as amended by Public Law 102-103, and".

On page 44, line 12, before the "period" insert the following: ": *Provided*, That funds appropriated for the Office of the Inspector General are further reduced by an additional $2,603,000".

DODD (AND LIEBERMAN) AMENDMENT NO. 1095

Mr. HARKIN (for Mr. DODD, for himself and Mr. LIEBERMAN) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 50, after line 15, insert the following:

SEC. . During the twelve-month period beginning October 1, 1991, none of the funds made available under this Act may be used to impose any reductions in payment, or to seek repayment from or to withhold any payment to any State under part B or part E of title IV of the Social Security Act, by reason of a determination made in connection with any review of State compliance with the foster care protections of section 427 of such Act for any Federal fiscal year preceeding fiscal year 1992.

KENNEDY AMENDMENT NO. 1096

Mr. HARKIN (for Mr. KENNEDY) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 50, between lines 15 and 16, insert the following new section:

SEC. . Section 499A(c)(1)(C) of the Public Health Service Act (42 U.S.C. 289i(c)(1)(CV)) is amended—

(1) by striking out "9" in the matter preceding clause (i) and inserting in lieu thereof "11"; and

(2) by striking out "3" in clause (iii) and inserting in lieu thereof "5".

HATFIELD AMENDMENT NO. 1097

Mr. HARKIN (for Mr. HATFIELD) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 24, line 18, strike "959,952,000" and insert in lieu thereof "965,952,000".

On page 29, line 10, strike "102,885,000" and insert in lieu thereof "92,085,000".

HARKIN AMENDMENT NO. 1098

Mr. HARKIN proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 63, on line 10 before the period insert the following: ": *Provided further*, That funds appropriated for Special Programs for Students from Disadvantaged Backgrounds may be allocated notwithstanding section 417D(d)(6)(B) (20 U.S.C. 1070d) to the Ronald E. McNair Post-Baccalaureate Achievement Program".

ROCKEFELLER AMENDMENT NO. 1099

Mr. HARKIN (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 73, line 5, strike "$750,000" and insert in lieu thereof "$950,000".

D'AMATO AMENDMENT NO. 1100

Mr. HARKIN (for Mr. D'AMATO) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 32, line 22, strike "$1,985,901,000" and insert in lieu thereof "$1,982,901,000".

On page 21, line 1, strike "$1,525,982,000" and insert in lieu thereof "$1,530,982,000".

DOLE (AND OTHERS) AMENDMENT NO. 1101

Mr. HARKIN (for Mr. DOLE) (for himself, Mr. MITCHELL, Mr. KENNEDY, Mr. HATCH, Mr. MOYNIHAN, Mr. PACKWOOD, Mr. MURKOWSKI, Mr. HATFIELD, Mr. AKAKA, Mr. ADAMS, and Mr. RUDMAN) proposed an amendment to the bill H.R. 2707, supra, as follows:

At the end of the amendment add the following:

SEC. . (a) Notwithstanding any other provision of law, on or before December 1, 1991, the Secretary of Labor, acting under the Occupational Safety and Health Act of 1970, shall promulgate a final occupational health standard concerning occupational exposure to bloodborne pathogens. The final standard shall be based on the proposed standard as published in the Federal Register on May 30, 1989 (54 FR 23042), concerning occupational exposures to the hepatitis B virus, the human immunodeficiency virus and other bloodborne pathogens.

(b) In the event that the final standard referred to in subsection (a) is not promulgated by the date required under such subsection, the proposed standard on occupational exposure to bloodborne pathogens as published in

the Federal Register on May 30, 1989 (54 FR 23042) shall become effective as if such proposed standard had been promulgated as a final standard by the Secretary of Labor, and remain in effect until the date on which such Secretary promulgates the final standard referred to in subsection (a).

HATFIELD (AND HARKIN) AMENDMENT NO. 1102

Mr. HATFIELD (for himself and Mr. HARKIN) proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 26, line 6, strike "363,176,000" and insert in lieu thereof: "397,176,000: *Provided*, That of the funds made available under this heading, $22,000,000 shall not become available for obligation until September 30, 1992, but shall remain available until October 30, 1992".

On page 28, line 13, strike "133,176,000" and insert in lieu thereof "125,724,000".

On page 29, line 10, strike "92,085,000" and insert in lieu thereof "$89,485,000".

PELL AMENDMENT NO. 1103

Mr. PELL proposed an amendment to the bill H.R. 2707, supra, as follows:

On page 53, line 11, insert "(1)" after "except that".

On page 53, line 19, insert "; and (2) any local educational agency with an increase of 5 percent or more from school year 1990–1991 to school year 1991–1992 in the number of children described in section 3(a) of Public Law 81–874, as a direct result of activities of the United States, and that submits a written request to the Secretary, shall be paid on the basis of the number of children who, during fiscal year 1992, are in average daily attendance at the schools of such agency and for whom such agency provides free public education" before the colon.

HIGH PERFORMANCE COMPUTING AND NATIONAL RESEARCH AND EDUCATION NETWORK ACT

GORE (AND OTHERS) AMENDMENT NO. 1104

Mr. GORE (for himself, Mr. HOLLINGS, Mr. PRESSLER, Mr. JOHNSTON, Mr. WALLOP, and Mr. DOMENICI) proposed an amendment to the bill (S. 272) to provide for a coordinated Federal research program to ensure continued United States leadership in high-performance computing, as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "High-Performance Computing and National Research and Education Network Act of 1991".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Advances in computer science and technology are vital to the Nation's prosperity, national and economic security, industrial production, engineering, and scientific advancement.

(2) The United States currently leads the world in the development and use of high-performance computing for national security, industrial productivity, science, and engineering, but that lead is being challenged by foreign competitors.

(3) Further research and development, expanded educational programs, improved computer research networks, and more effective technology transfer from government to industry are necessary for the United States to fully reap the benefits of high-performance computing.

(4) Several Federal agencies have ongoing high-performance computing programs, but improved interagency coordination, cooperation, and planning would enhance the effectiveness of these programs.

(5) A high-speed national research and education computer network would provide researchers and educators with access to computer and information resources and act as a test bed for further research and development of high-speed computer networks.

(6) A 1991 report entitled "Grand Challenges: High-Performance Computing and Communcations" by the Office of Science and Technology Policy, outlining a research and development strategy for high-performance computing, provides a framework for a multi-agency high-performance computing program. Such a program would provide American researchers and educators with the computer and information resources they need, and demonstrate how advanced computers, high-speed networks and electronic data bases can improve the national information infrastructure for use by all Americans.

SEC. 3. PURPOSE.

The purpose of this Act is to help ensure the continued leadership of the United States in high-performance computing and its applications by requiring that the United States Government—

(1) increase Federal support for research, development, and application of high-performance computing in order to—

(A) expand the number of researchers, educators, and students with training in high-performance computing and access to high-performance computing resources;

(B) establish a high-speed national research and education computer network;

(C) promote the further development of an information infrastructure of data bases, services access mechanisms, and research facilities which are available for use through such a national network;

(D) stimulate research on software technology;

(E) promote the more rapid development and wider distribution of computer software tools and applications software;

(F) accelerate the development of computer systems and subsystems;

(G) provide for the application of high-performance computing to fundamental problems in science and engineering, with broad economic and scientific impact;

(H) invest in basic research and education; and

(I) promote greater collaboration among government, Federal laboratories, industry, and universities;

(2) authorize a high-speed national research and education computer network; and

(3) improve the interagency planning and coordination of Federal research and development on high-performance computing and maximize the effectiveness of the Federal Government's high-performance computing efforts.

TITLE I—HIGH PERFORMANCE COMPUTING AND THE NATIONAL RESEARCH AND EDUCATION NETWORK

SEC. 101. HIGH-PERFORMANCE COMPUTING.

(a)(1) The President shall establish and, through the Director of the Office of Science and Technology Policy (hereinafter referred to as the "Director"), coordinate a National High-Performance Computing Program (hereinafter referred to as the "Program").

(2) The Program shall—

(A) establish the goals and priorities for Federal high-performance computing research, development, networking, and other activities; and

(B) provide for interagency coordination of Federal high-performance computing research, development, networking, and other activities undertaken pursuant to the Program.

(3) The Program shall provide for—

(A) oversight of the operation and evolution of the National Research and Education Network (as described under section 102 and referred to in this Act as the "Network") and the establishment of policies for the management of and access to the Network;

(B) efforts to increase software availability, productivity, capability, portability, and reliability;

(C) improved dissemination of Federal agency data and electronic information;

(D) acceleration of the development of high-performance computer systems, subsystems, and associated software;

(E) the technical support and research and development of high-performance computer software and hardware needed to address Grand Challenges;

(F) educating and training additional undergraduate and graduate students in software engineering, computer science, library and information science, and computational science; and

(G) the security requirements and policies necessary to protect Federal research computer networks and information resources accessible through Federal research computer networks.

(4) The President, through the Director, shall submit to the Congress an annual report along with the President's annual budget request, describing the implementation of the Program. The annual report shall—

(A) describe the goals and priorities of the Program, and analyze the progress made toward achieving those goals and priorities; and

(B) describe for each agency and department participating in the Program the levels of Federal funding for the fiscal year during which such report is submitted and the levels proposed for the fiscal year with respect to which the budget submission applies, for Program activities, including education, research, hardware and software development, and support for the establishment of the Network.

(5) The Director shall be provided, in a timely fashion, with an opportunity to review and comment on the budget estimate of each agency and department participating in the Program and shall identify in each annual budget submitted to the Congress under section 1105 of title 31, United States Code, those items in each agency's or department's annual budget which are elements of the Program.

(b) The President shall establish an advisory committee on high-performance computing consisting of prominent representatives from industry and academia who are specially qualified to provide the Director with advice and information on high-performance computing. The advisory committee shall provide the Director with an independent assessment of—

(1) progress made in implementing the Program;

(2) the need to revise the Program;

(3) the balance between the components of the Program; and

(4) whether the research and development undertaken pursuant to the Program is helping to maintain United States leadership in computing technology.

(c) Each Federal agency and department participating in the Program shall, as part of its annual request for appropriations to the Office of Management and Budget, submit a report to the Office of Management and Budget identifying each element of its high-performance computing activities, which—

(1) contributes directly to the Program or benefits from the Program; and

(2) states the portion of its request for appropriations that is allocated to each such element.

(d) As used in this section, the term "Grand Challenge" means a fundamental problem in science and engineering, with broad economic and scientific impact, whose solution will require the application of high-performance computing resources.

SEC. 102. NATIONAL RESEARCH AND EDUCATION NETWORK.

(a) As part of the Program established by section 101, the National Science Foundation, the Department of Defense, the Department of Energy, the Department of Commerce, the National Aeronautics and Space Administration, and other agencies participating in the Program shall support the establishment of a national multi-gigabit-per-second research and education computer network by 1996, to be known as the National Research and Education Network, to link research and educational institutions, government, and industry, in every State. Federal agencies shall work with State and local agencies, libraries, educational institutions and organizations, private network service providers, and others in order to ensure that researchers, educators, and students have access to the Network. To the extent that the private sector, state and local governments, and other Federal agencies do not connect colleges, universities, and libraries to the Network, the National Science Foundation shall have primary responsibility for connecting colleges, universities, and libraries to the Network.

(b) The Network is to provide users with appropriate access to supercomputers, electronic information resources, other research facilities, and libraries, and at the same time act as a test bed for further research and development of high-speed computer networks and demonstrate how advanced computers, high-speed computer networks, and data bases can improve the national information infrastructure.

(c) The Network shall—

(1) be developed in close cooperation with the computer, telecommunications, and information industries;

(2) be designed, developed, and operated in collaboration with potential users in government, industry, and the education community;

(3) link existing Federal and non-Federal computer networks, to the extent appropriate, in a way that allows autonomy within each component network;

(4) be designed, developed, and operated in a manner which fosters and maintains competition and private sector investment in high-speed data networking within the telecommunications industry;

(5) be designed, developed, and operated in a manner which promotes research and development leading to development of commercial data communications and telecommunications standards; and

(6) be developed by purchasing standard commercial transmission and network services from vendors whenever feasible, and by contracting for customized services when not feasible.

(d) To encourage use of the Network by commercial information service providers, where technically feasible, the network shall be managed to cooperate with the needs of commercial sector users to develop accounting mechanisms which allow, where appropriate, users or groups of users to be charged for their usage of copyrighted materials available over the Network. The Network shall be designed and operated so as to ensure the continued application of laws that provide network and information resources security measures, including those that protect copyright and other intellectual property rights, and those that control access to data bases and protect national security.

(e) The Department of Defense, through the Defense Advanced Research Projects Agency, shall support research and development of advanced fiber optics technology, switches, and protocols needed to develop the Network.

(f) In addition to other agency activities associated with the establishment of the Network—

(1) the National Institute of Standards and Technology shall develop and propose a common set of standards and guidelines to provide interoperability, common user interfaces to systems, and security for the Network; and

(2) all Federal agencies and departments funding research are authorized to allow recipients of Federal research grants to use grant monies to pay for computer networking expenses.

(g) Within one year after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall report to the Congress on—

(1) effective mechanisms for providing operating funds for the maintenance and use of the Network, including user fees, industry support, and continued Federal investment;

(2) the future operation and evolution of the Network;

(3) how commercial information service providers could be charged for access to the Network, and how Network users could be charged for such commercial information services;

(4) the technological feasibility of allowing commercial information service providers to use the Network and other federally-funded research networks;

(5) how to protect the copyrights of material distributed over the Network; and

(6) appropriate policies to ensure the security of resources available on the Network and to protect the privacy of users of networks.

(h) The Director shall assist the President in coordinating the activities of appropriate agencies and departments to promote the development of information services that could be provided over the Network. These services may include the provision of directories of the users and services on computer networks, data bases of unclassified Federal scientific data, training of users of data bases and computer networks, access to commercial information services for users of the Network, and technology to support computer-based collaboration that allows researchers and educators around the Nation to share information and instrumentation. The information services accessible over the Network shall be provided in accordance with applicable law. Appropriate protection shall be provided for copyright and other intellectual property rights of information providers and Network users, including appropriate mechanisms for fair remuneration of copyright holders for availability of and access to their works over the Network.

TITLE II—AGENCY ACTIVITIES

SEC. 201. NATIONAL SCIENCE FOUNDATION ACTIVITIES.

(a) The National Science Foundation shall provide computing and networking infrastructure support for all science and engineering disciplines, and shall support basic research and human resource development in computer science, computational science and engineering, library and information sciences, and computer engineering. The National Science Foundation shall provide funding to help researchers access supercomputers. Prior to deployment of the Network, the National Science Foundation shall maintain, expand, and upgrade its existing computer networks.

(b)(1) There are authorized to be appropriated to the National Science Foundation for the purposes of this Act, $46,000,000 for fiscal year 1992, $88,000,000 for fiscal year 1993, $145,000,000 for fiscal year 1994, $172,000,000 for fiscal year 1995, and $199,000,000 for fiscal year 1996.

(2) Of the amounts authorized to be appropriated under paragraph (1), there are authorized for activities in support of the Network, in accordance with the purposes of section 102, $15,000,000 for fiscal year 1992, $25,000,000 for fiscal year 1993, $55,000,000 for fiscal year 1994, $50,000,000 for fiscal year 1995, and $50,000,000 for fiscal year 1996.

(3) The amounts authorized to be appropriated under this subsection are in addition to any amounts that may be authorized to be appropriated under other laws.

SEC. 202. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ACTIVITIES.

(a) The National Aeronautics and Space Administration shall continue to conduct basic and applied research in high-performance computing, particularly in the field of computational science, with emphasis on aeronautics and the processing of remote sensing and space science data.

(b)(1) There are authorized to be appropriated to the National Aeronautics and Space Administration for the purposes of this Act $22,000,000 for fiscal year 1992, $45,000,000 for fiscal year 1993, $67,000,000 for fiscal year 1994, $89,000,000 for fiscal year 1995, and $115,000,000 for fiscal year 1996.

(2) The amounts authorized to be appropriated under this subsection are in addition to any amounts that are authorized to be appropriated under other laws.

SEC. 203. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACTIVITIES.

(a) The National Institute of Standards and Technology shall develop and propose standards and guidelines, and develop measurement techniques and test methods, for the interoperability of high-performance computers in networks and for common user interfaces to systems. In addition, the National Institute of Standards and Technology shall be responsible for developing benchmark tests and standards for high-performance computers and software. Pursuant to the Computer Security Act of 1987 (Public Law 100-235; 101 Stat. 1724), the National Institute of Standards and Technology shall continue to be responsible for developing and proposing standards and guidelines needed to assure the cost-effective security and privacy of sensitive information in Federal computer systems.

(b)(1) There are authorized to be appropriated to the National Institute of Stand-

ards and Technology for the purposes of this Act $3,000,000 for fiscal year 1992, $4,000,000 for fiscal year 1993, $6,000,000 for fiscal year 1994, $8,000,000 for fiscal year 1995, and $10,000,000 for fiscal year 1996.

(2) The amounts authorized to be appropriated under this subsection are in addition to any amounts that are authorized to be appropriated under other laws.

SEC. 204. DEPARTMENT OF ENERGY ACTIVITIES.

(a) The Secretary of Energy shall—

(1) perform research and development on, and systems evaluations of, high-performance computing and communications systems;

(2) conduct computational research with emphasis on energy applications;

(3) support basic research, education, and human resources in computational science; and

(4) provide for networking infrastructure support for energy-related mission activities.

(b) The Secretary of Energy shall establish two High-Performance Computing Research and Development Collaborative Consortia by soliciting and selecting proposals, and is authorized to establish as many more as may be needed. Each Collaborative Consortium shall—

(1) conduct research directed at scientific and technical problems whose solutions require the application of high-performance computing and communications resources;

(2) promote the testing and uses of new types of high-performance computing and related software and equipment;

(3) serve as a vehicle for computing vendors to test new ideas and technology in a sophisticated computing environment; and

(4) be led by a Department of Energy national laboratory, and include participants from Federal agencies and departments, researchers, private industry, educational institutions, and others as the Secretary of Energy may deem appropriate.

(c) The results of such research and development shall be transferred to the private sector and others in accordance with applicable law.

(d) Within one year after the date of enactment of this Act and every year thereafter, the Secretary of Energy shall transmit to the Senate and House of Representatives a report on activities taken to carry out this Act.

(e) For fiscal years 1992, 1993, 1994, 1995, and 1996 there are authorized to be appropriated such funds as may be necessary to carry out the activities authorized by this section.

SEC. 205. STUDY ON IMPACT OF FEDERAL PROCUREMENT REGULATIONS.

(a) The Secretary of Commerce shall conduct a study to—

(1) evaluate the impact of Federal procurement regulations which require that contractors providing software to the Federal Government share the rights to proprietary software development tools that the contractors used to develop the software; and

(2) determine whether such regulations discourage development of improved software development tools and techniques.

(b) The Secretary shall, within one year after the date of enactment of this Act, report to the Congress regarding the results of the study conducted under subsection (a).

SEC. 206. MISCELLANEOUS PROVISIONS.

(a) Except to the extent that the appropriate Federal agency or department head determines applicable, the provisions of this Act shall not apply to—

(1) programs or activities regarding computer systems that process classified information; or

(2) computer systems the function, operation, or use of which are those delineated in paragraphs (1) through (5) of section 2315(a) of title 10, United States Code.

(b) Federal agencies and departments, and their grantees and contractors, may acquire prototype and early production models of new high-performance computer and communications systems and subsystems, including software and related products and services, to stimulate hardware and software development.

HIGH PERFORMANCE COMPUTING AND NATIONAL RESEARCH AND EDUCATION NETWORK ACT

GORE (AND OTHERS) AMENDMENT NO. 1105

Mr. GORE (for himself, Mr. HOLLINGS, Mr. PRESSLER, Mr. JOHNSTON, Mr. WALLOP, and Mr. DOMENICI) proposed an amendment to the bill (H.R. 656) to provide for a coordinated Federal research program to ensure continued United States leadership in high-performance computing, as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "High-Performance Computing and National Research and Education Network Act of 1991".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Advances in computer science and technology are vital to the Nation's prosperity, national and economic security, industrial production, engineering, and scientific advancement.

(2) The United States currently leads the world in the development and use of high-performance computing for national security, industrial productivity, science, and engineering, but that lead is being challenged by foreign competitors.

(3) Further research and development, expanded educational programs, improved computer research networks, and more effective technology transfer from government to industry are necessary for the United States to fully reap the benefits of high-performance computing.

(4) Several Federal agencies have ongoing high-performance computing programs, but improved interagency coordination, cooperation, and planning would enhance the effectiveness of these programs.

(5) A high-speed national research and education computer network would provide researchers and educators with access to computer and information resources and act as a test bed for further research and development of high-speed computer networks.

(6) A 1991 report entitled "Grand Challenges: High-Performance Computing and Communications" by the Office of Science and Technology Policy, outlining a research and development strategy for high-performance computing, provides a framework for a multi-agency high-performance computing program. Such a program would provide American researchers and educators with the computer and information resources they need, and demonstrate how advanced computers, high-speed networks, and electronic data can improve the national information infrastructure for use by all Americans.

SEC. 3. PURPOSE.

The purpose of this Act is to help ensure the continued leadership of the United States in high-performance computing and its applications by requiring that the United States Government—

(1) increase Federal support for research, development, and application of high-performance computing in order to—

(A) expand the number of researchers, educators, and students with training in high-performance computing and access to high-performance computing resources;

(B) establish a high-speed national research and education computer network;

(C) promote the further development of an information infrastructure of data bases, services, access mechanisms, and research facilities which are available for use through such a national network;

(D) stimulate research on software technology;

(E) promote the more rapid development and wider distribution of computer software tools and applications software;

(F) accelerate the development of computer systems and subsystems;

(G) provide for the application of high-performance computing to fundamental problems in science and engineering, with broad economic and scientific impact;

(H) invest is basic research and education; and

(I) promote greater collaboration among government, Federal laboratories, industry, and universities;

(2) authorize a high-speed national research and education computer network; and

(3) improve the interagency planning and coordination of Federal research and development on high-performance computing and maximize the effectiveness of the Federal Government's high-performance computing efforts.

TITLE I—HIGH-PERFORMANCE COMPUTING AND THE NATIONAL RESEARCH AND EDUCATION NETWORK

SEC. 101. HIGH-PERFORMANCE COMPUTING.

(a)(1) The President shall establish and, through the Director of the Office of Science and Technology Policy (hereinafter referred to as the "Director"), coordinate a National High-Performance Computing Program (hereinafter referred to as the "Program").

(2) The Program shall—

(A) establish the goals and priorities for Federal high-performance computing research, development, networking, and other activities; and

(B) provide for interagency coordination of Federal high-performance computing research, development, networking, and other activities undertaken pursuant to the Program.

(3) The Program shall provide for—

(A) oversight of the operation and evolution of the National Research and Education Network (as described under section 102 and referred to in this Act as the "Network") and the establishment of policies for the management of and access to the Network;

(B) efforts to increase software availability, productivity, capability, portability, and reliability;

(C) improved dissemination of Federal agency data and electronic information;

(D) acceleration of the development of high-performance computer systems, subsystems, and associated software;

(E) the technical support and research and development of high-performance computer software and hardware needed to address Grand Challenges;

(F) educating the training additional undergraduate and graduate students in software engineering, computer science, library and information science, and computational science; and

(G) the security requirements and policies necessary to protect Federal research computer networks and information resources accessible through Federal research computer networks.

(4) The President, through the Director, shall submit to the Congress an annual report along with the President's annual budget request, describing the implementation of the Program. The annual report shall—

(A) describe the goals and priorities of the Program, and analyze the progress made toward achieving those goals and priorities; and

(B) describe for each agency and department participating in the Program the levels of Federal funding for the fiscal year during which such report is submitted and the levels proposed for the fiscal year with respect to which the budget submission applies, for Program activities, including education, research, hardware and software development, and support for the establishment of the Network.

(5) The Director shall be provided, in a timely fashion, with an opportunity to review and comment on the budget estimate of each agency and department participating in the Program and shall identify in each annual budget submitted to the Congress under section 1105 of title 31, United States Code, those items in each agency's or department's annual budget which are elements of the Program.

(b) The President shall establish an advisory committee on high-performance computing consisting of prominent representatives from industry and academia who are specially qualified to provide the Director with advice and information on high-performance computing. The advisory committee shall provide the Director with an independent assessment of—

(1) progress made in implementing the Program;

(2) the need to revise the Program;

(3) the balance between the components of the Program; and

(4) whether the research and development undertaken pursuant to the Program is helping to maintain United States leadership in computing technology.

(c) Each Federal agency and department participating in the Program shall, as part of its annual request for appropriations to the Office of Management and Budget, submit a report to the Office of Management and Budget identifying each element of its high-performance computing activities, which—

(1) contributes directly to the Program or benefits from the Program; and

(2) states the portion of its request for appropriations that is allocated to each such element.

(d) As used in this section, the term "Grand Challenge" means a fundamental problem in science and engineering, with broad economic and scientific impact, whose solution will require the application of high-performance computing resources.

SEC. 102. NATIONAL RESEARCH AND EDUCATION NETWORK.

(a) As part of the Program established by section 101, the National Science Foundation, the Department of Defense, the Department of Energy, the Department of Commerce, the National Aeronautics and Space Administration, and other agencies participating in the Program shall support the establishment of a national multi-gigabit-per-second research and education computer network by 1966, to be known as the National Research and Education Network, to link research and educational institutions, government, and industry, in every State. Federal agencies shall work with State and local agencies, libraries, educational institutions and organizations, private network service providers, and others in order to ensure that researchers, educators, and students have access to the Network. To the extent that the private sector, state and local governments, and other Federal agencies do not connect colleges, universities, and libraries to the Network, the National Science Foundation shall have primary responsibility for connecting colleges, universities, and libraries to the Network.

(b) The Network is to provide users with appropriate access to supercomputers, electronic information resources, other research facilities, and libraries, and at the same time act as a test bed for further research and development of high-speed computer networks and demonstrate how advanced computers, high-speed computer networks, and data bases can improve the national information infrastructure.

(c) The Network shall—

(1) be developed in close cooperation with the computer, telecommunications, and information industries;

(2) be designed, developed, and operated in collaboration with potential users in government, industry, and the education community;

(3) link existing Federal and non-Federal computer networks, to the extent appropriate, in a way that allows autonomy within each component network;

(4) be designed, developed, and operated in a manner which fosters and maintains competition and private sector investment in high-speed data networking within the telecommunications industry;

(5) be designed, developed, and operated in a manner which promotes research and development leading to development of commercial data communications and telecommunications standards; and

(6) be developed by purchasing standard commercial transmission and network services from vendors whenever feasible, and by contracting for customized services when not feasible.

(d) To encourage use of the Network by commercial information service providers, where technically feasible, the Network shall be managed to cooperate with the needs of commercial sector users to develop accounting mechanisms which allow, where appropriate, users or groups of users to be charged for their usage of copyrighted materials available over the Network. The Network shall be designed and operated so as to ensure the continued application of laws that provide network and information resources security measures, including those that protect copyright and other intellectual property rights, and those that control access to data bases and protect national security.

(e) The Department of Defense, through the Defense Advanced Research Projects Agency, shall support research and development of advanced fiber optics technology, switches, and protocols needed to develop the Network.

(f) In addition to other agency activities associated with the establishment of the Network—

(1) the National Institute of Standards and Technology shall develop and propose a common set of standards and guidelines to provide interoperability, common user interfaces to systems, and security for the Network; and

(2) all Federal agencies and departments funding research are authorized to allow recipients of Federal research grants to use grant monies to pay for computer networking expenses.

(g) Within one year after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall report to the Congress on—

(1) effective mechanisms for providing operating funds for the maintenance and use of the Network, including user fees, industry support, and continued Federal investment;

(2) the future operation and evolution of the Network;

(3) how commercial information service providers could be charged for access to the Network, and how Network users could be charged for such commercial information services;

(4) the technological feasibility of allowing commercial information service providers to use the Network and other federally-funded research networks;

(5) how to protect the copyrights of material distributed over the Network; and

(6) appropriate policies to ensure the security of resources available on the Network and to protect the privacy of users of networks.

(h) The Director shall assist the President in coordinating the activities of appropriate agencies and departments to promote the development of information services that could be provided over the Network. These services may include the provision of directories of the users and services on computer networks, data bases of unclassified Federal scientific data, training of users of data bases and computer networks, access to commercial information services for users of the Network, and technology to support computer-based collaboration that allows researchers and educators around the Nation to share information and instrumentation. The information services accessible over the Network shall be provided in accordance with applicable law. Appropriate protection shall be provided for copyright and other intellectual property rights of information providers and Network users, including appropriate mechanisms for fair remuneration of copyright holders for availability of and access to their works over the Network.

TITLE II—AGENCY ACTIVITIES

SEC. 201. NATIONAL SCIENCE FOUNDATION ACTIVITIES.

(a) The National Science Foundation shall provide computing and networking infrastructure support for all science and engineering, library and information sciences, and computer engineering disciplines, and shall support basic research and human resource development in computer science, computational science and engineering, library and information sciences, and computer engineering. The National Science Foundation shall provide funding to help researchers access supercomputers. Prior to deployment of the Network, the National Science Foundation shall maintain, expand, and upgrade its existing computer networks.

(b)(1) There are authorized to be appropriated to the National Science Foundation for the purposes of this Act, $46,000,000 for fiscal year 1992, $88,000,000 for fiscal year 1993, $145,000,000 for fiscal year 1994, $172,000,000 for fiscal year 1995, and $199,000,000 for fiscal year 1996.

(2) Of the amounts authorized to be appropriated under paragraph (1), there are au-

thorized for activities in support of the Network, in accordance with the purposes of section 102, $15,000,000 for fiscal year 1992, $25,000,000 for fiscal year 1993, $55,000,000 for fiscal year 1994, $50,000,000 for fiscal year 1995, and $50,000,000 for fiscal year 1996.

(3) The amounts authorized to be appropriated under this subsection are in addition to any amounts that may be authorized to be appropriated under other laws.

SEC. 202. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION ACTIVITIES.

(a) The National Aeronautics and Space Administration shall continue to conduct basic and applied research in high-performance computing, particularly in the field of computational science, with emphasis on aeronautics and the processing of remote sensing and space science data.

(b)(1) There are authorized to be appropriated to the National Aeronautics and Space Administration for the purposes of this Act $22,000,000 for fiscal year 1992, $45,000,000 for fiscal year 1993, $67,000,000 for fiscal year 1994, $89,000,000 for fiscal year 1995, and $115,000,000 for fiscal year 1996.

(2) The amounts authorized to be appropriated under this subsection are in addition to any amounts that are authorized to be appropriated under other laws.

SEC. 203. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACTIVITIES.

(a) The National Institute of Standards and Technology shall develop and propose standards and guidelines, and develop measurement techniques and test methods, for the interoperability of high-performance computers in networks and for common user interfaces to systems. In addition, the National Institute of Standards and Technology shall be responsible for developing benchmark tests and standards for high-performance computers and software. Pursuant to the Computer Security Act of 1987 (Public Law 100-235; 101 Stat. 1724), the National Institute of Standards and Technology shall continue to be responsible for developing and proposing standards and guidelines needed to assure the cost-effective security and privacy of sensitive information in Federal computer systems.

(b)(1) There are authorized to be appropriated to the National Institute of Standards and Technology for the purposes of this Act $3,000,000 for fiscal year 1992, $4,000,000 for fiscal year 1993, $6,000,000 for fiscal year 1994, $8,000,000 for fiscal year 1995, and $10,000,000 for fiscal year 1996.

(2) The amounts authorized to be appropriated under this subsection are in addition to any amounts that are authorized to be appropriated under other laws.

SEC. 204. DEPARTMENT OF ENERGY ACTIVITIES.

(a) The Secretary of Energy shall—

(1) perform research and development on, and systems evaluations of, high-performance computing and communications systems;

(2) conduct computational research with emphasis on energy applications;

(3) support basic research, education, and human resources in computational science; and

(4) provide for networking infrastructure support for energy-related mission activities.

(b) The Secretary of Energy shall establish two High-Performance Computing Research and Development Collaborative Consortia by soliciting and selecting proposals, and is authorized to establish as many more as may be needed. Each Collaborative Consortium shall—

(1) conduct research directed at scientific and technical problems whose solutions require the application of high-performance computing and communications resources;

(2) promote the testing and uses of new types of high-performance computing and related software and equipment;

(3) serve as a vehicle for computing vendors to test new ideas and technology in a sophisticated computing environment; and

(4) be led by a Department of Energy national laboratory, and include participants from Federal agencies and departments, researchers, private industry, educational institutions, and others as the Secretary of Energy may deem appropriate.

(c) The results of such research and development shall be transferred to the private sector and others in accordance with applicable law.

(d) Within one year after the date of enactment of this Act and every year thereafter, the Secretary of Energy shall transmit to the Senate and House of Representatives a report on activities taken to carry out this Act.

(e) For fiscal years 1992, 1993, 1994, 1995, and 1996 there are authorized to be appropriated such funds as may be necessary to carry out the activities authorized by this section.

SEC. 205. STUDY ON IMPACT OF FEDERAL PROCUREMENT REGULATIONS.

(a) The Secretary of Commerce shall conduct a study to—

(1) evaluate the impact of Federal procurement regulations which require that contractors providing software to the Federal Government share the rights to proprietary software development tools that the contractors used to develop the software; and

(2) determine whether such regulations discourage development of improved software development tools and techniques.

(b) The Secretary shall, within one year after the date of enactment of this Act, report to the Congress regarding the results of the study conducted under subsection (a).

SEC. 206. MISCELLANEOUS PROVISIONS.

(a) Except to the extent that the appropriate Federal agency or department head determines applicable, the provisions of this Act shall not apply to—

(1) programs or activities regarding computer systems that process classified information; or

(2) computer systems the function, operation, or use of which are those delineated in paragraphs (1) through (5) of section 2315(a) of title 10, United States Code.

(b) Federal agencies and departments, and their grantees and contractors, may require prototype and early production models of new high-performance computer and communications systems and subsystems, including software and related products and services, to stimulate hardware and software development.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

HELMS AMENDMENT NO. 1106

Mr. HELMS proposed an amendment to the bill H.R. 2707, supra, as follows:

At the end of the pending committee amendment add the following:

SEC. . PROHIBITION OF PREFERENTIAL TREATMENT.

Section 703(j) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2(j)) is amended to read as follows:

"(j)(1) It shall be an unlawful employment practice for any employer, employment agency, labor organization, or joint labor-management committee subject to this title to grant preferential treatment with respect to selection for, discharge from, compensation for, or the terms, conditions, or privileges of, employment or union membership to any individual or to any group on the basis of the race, color, religion, sex, or national origin of such individual or group, for any purpose, except as provided in subsection (e) or paragraph (2).

"(2) It shall not be an unlawful employment practice for any person described in paragraph (1) to establish an affirmative action program designed to recruit qualified minorities and women to expand the applicant pool of the person.".

NICKLES AMENDMENT NO. 1107

Mr. NICKLES proposed an amendment to the bill H.R. 2707, supra, as follows:

At the end of the committee amendment on page 18, line 5, add the following: "(*Provided, however*, That none of the funds contained in this Act may go to any entity receiving funding as a grantee or a delegate under title X of the Public Health Service Act unless such entity certifies to the Secretary that the entity will not perform an abortion on an unemancipated minor under the age of 18, and will not permit the facilities of the entity to be used to perform any abortion on such a minor, without regard to whether the abortion is to be performed with any financial assistance provided by the Secretary, unless a written notification is provided to a parent or legal guardian of the minor stating that an abortion has been requested for the minor, and 48 hours elapses after the notification is provided to the parent; except that notification may be delivered personally by a physician or physician's agent, in which case 48 hours elapses from the time of making personal delivery; or notification may be provided through certified mail, return receipt requested, restricted delivery addressed to a parent or guardian at that individual's dwelling house or usual place of abode (as defined by rule 4 of the Federal Rules of Civil Procedure for the United States district courts), in which case 48 hours elapses from 12 o'clock noon on the second day of regular mail delivery that follows the day on which the notification is posted: *Provided further*, That this section shall not apply in cases where the physician with principal responsibility for making the decision to perform the abortion certifies in the minor's medical record that she is suffering from a physical disorder or disease making the abortion necessary to prevent her death and there is insufficient time to provide the required notice: *Provided further*, That this section shall not apply in cases where the minor declares that the pregnancy resulted from incest with a parent or guardian of the minor or that she has been subjected to or is at risk of sexual abuse, child abuse, or child neglect by a parent or guardian, as defined by the applicable State law, provided that in any such case the physician notifies the authorities specified by such State law to receive reports of child abuse or neglect of the known or suspected abuse or neglect before the abortion is performed: *Provided further*, That this section shall not apply to entities in States that have in effect enforceable laws requiring that a parent or legal guardian be notified of, or give consent to, an abortion to be performed on an

unemancipated minor under the age of 18, except that the State law may allow parental notification or consent to be waived only through judicial proceedings).".

KASSEBAUM AMENDMENT NO. 1108

Mrs. KASSEBAUM proposed an amendment to the bill H.R. 2707, supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . (a) No funds shall be made available under title X of the Public Health Service Act to an entity applying for a grant under such title unless the entity agrees that the entity will not perform an abortion on an unemancipated minor under the age of 18, and will not permit the facilities of the entity to be used to perform an abortion on such a minor unless there has been compliance with one of the following:

(1) The attending physician receives consent, in writing, to the performance of an abortion on such minor from an individual over the age of 18 who is a parent, grandparent, or aunt or uncle of the minor or a legal guardian of the minor; or

(2) A written notification is provided to a parent or legal guardian of the minor stating that an abortion has been requested for the minor, and 48 hours elapses after the notification is provided to the parent, except that notification may be delivered personally by a physician or the physician's agent, in which case 48 hours elapses from the time of making personal delivery, or notification may be provided through certified mail, return receipt requested, restricted delivery addressed to a parent or guardian at that individual's dwelling house or usual place of abode (as defined by rule 4 of the Federal Rules of Civil Procedure for the United States district courts). The notice, if delivered by certified mail, shall be considered to have been received at 12:00 p.m. of the next regular mail delivery day; or

(3) The physician with principal responsibility for making the decision to perform the abortion certifies in the minor's medical record that she is suffering from a physical condition that constitutes an emergency or makes the abortion necessary to prevent the death of the minor; or

(4) A court of competent jurisdiction has issued an order, after a confidential, expedited judicial procedure has been conducted enabling the minor to obtain a judicial determination that the minor is mature enough and well enough informed to make the abortion decision, in consultation with the physician of the minor, independently, or that the abortion would be in the best interests of the minor, granting the minor the right to consent to the abortion; or

(5) A licensed or certified counseling professional, who does not have any financial relationship with the physician who is to perform the abortion or with the facility where the abortion is to be performed, certifies in writing that the notification of a parent or legal guardian of the minor could reasonably place the minor at risk of physical abuse or emotional harm. Such certification shall be based on a clinical assessment made by such counseling professional, shall state the basis for the decision of such professional (such as an assessment that the minor may be subject to child abuse or incest, may reside in a family environment where a parent or guardian is an alcoholic or abuses drugs, or may reside in a family environment where a parent or guardian is prone to violence or inclined to inflict physical or emotional harm if such notification were provided), and shall be supported with appropriate recordkeeping. The assessment shall be based on the totality of the circumstances surrounding the minor, her pregnancy, and her family environment.

(b) The requirements of subsection (a) shall not be applicable in a State after the date on which a referendum or initiative has been held, or on which legislation has been enacted, in that State concerning the conditions or circumstances under which abortions may be provided to unemancipated minors.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry, will hold a hearing on the circle of poison: impact on American consumers, on Friday, September 20, 1991, at 9 a.m., in SD–138.

For further information please contact Carolyn Brickey of the committee staff at 224–5207.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Tuesday, September 17, 1991, at 10 a.m., in room SD–366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from John Easton, nominee for general counsel, U.S. Department of Energy.

For further information, please contact Rebecca Murphy at (202) 224–7562.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, September 26, 1991, beginning at 2 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on two measures pending before the subcommittee. The bills are:

S. 1495, to provide for the establishment of the St. Croix, Virgin Islands Historical Park and Ecological Preserve, and for other purposes; and

S. 1528, to establish the Mimbres Culture National Monument and to establish an archeological protection system for Mimbres sites in the State of New Mexico, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, Committee on Energy and Natural Resources, 364 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224–9863.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a hearing on Thursday, September 12, 1991, beginning at 9 a.m., in 485 Russell Senate Office Building on the Indian Tribal Courts Act of 1991 and Report of the U.S. Commission on Civil Rights on the Administration of the Indian Civil Rights Act.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON SMALL BUSINESS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Wednesday, September 11, 1991, at 9:30 a.m. The committee will hold a full committee hearing on problems facing small business petroleum marketers.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Aviation, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on September 11, 1991, at 2 p.m. on state of the airline industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, September 11, beginning at 9:30 a.m., to conduct a hearing on the waste management provisions of S. 976, the Resource Conservation and Recovery Act Amendments of 1991—including special wastes, municipal waste and ash disposal, native American Indian waste issues, industrial waste, and hazardous waste recycling issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HARKIN. Mr. President, I ask unanimous consent that the Commit-

tee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 11, at 10 a.m. to hold a hearing on the nomination of Judge Clarence Thomas.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, September 11, 1991, at 2 p.m. to meet informally with members of the House Armed Services Committee to discuss the conference on H.R. 2100, the National Defense Authorization Act for fiscal years 1992 and 1993.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Wednesday, September 11, 1991, at 9:30 a.m. to conduct a hearing on the activities of Salomon Brothers, Inc. in Treasury bond auctions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on September 11, 1991, at 10 a.m. to hold a hearing on the President's trade agreement proposing most-favored-nation trade status for the Soviet Union.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NATIONAL HISPANIC HERITAGE MONTH

• Mr. RIEGLE. Mr. President, I would like to acknowledge the fact that one of America's vibrant ethnic groups, the Hispanic American-Latino American-community, is observing National Hispanic Heritage Month from September 15, 1991 to October 15, 1991. Thousands of people from my State of Michigan are heirs to the wealth of the Latino culture and tradition. They, and all Hispanic Americans observing this month can take pride in their contributions to every facet of life in American society.

During this month, Hispanic Americans can justly celebrate the many people who have contributed in important ways to their communities and to the Nation, some persevering despite many obstacles. Latino Americans have been involved in the success of hundreds of self-initiated community-oriented development programs. Others have carried on their cultural heritage through creative expression in the fields of art, education, literature, music, and theater. Still others have brought economic and political strength to their communities through their successful efforts to build businesses or participate in local, State or Federal Government. Drawing upon their multicultural and multiracial roots, together with the spirituality inspired by these roots and their value of the family and its relationship to the community as a whole, Hispanic Americans have become an integral part of the Nation and a valuable part of the American mosaic.

This special month of remembrance and celebration will remind all Americans that Hispanic Americans have been part of the history of this country from its earliest days. Even before the emergence of the United States as a nation, the ancestors of many of our present Latino Americans were playing a critical role in the shaping of this Nation. One has only to look at a map of the United States to see that the names of many cities and States have their origins in the Hispanic tradition.

We should be reminded, too, of the glory of earlier civilizations. The linguistic linkage, carried over the generations has served as a bridge to our understanding and appreciation of the remarkable civilizations of the Aztecs, Mayans, Incas, and others. This contribution has been priceless for historians and anthropologists who have been working to understand these civilizations. Knowing more about the remarkable contributions of these societies to our own cultural heritage is rewarding for all Americans who seek to learn more about it.

Mr. President, in recent decades there has been a great deal of study and emphasis on the pluralistic nature of America. Hispanic Americans enrich and enlighten this pluralism and add to our national vitality. It is right to acknowledge and honor the Hispanic community this month through celebrations and education programs. By doing so, we will foster better understanding among all of our people and strengthen the appreciation for this truly unique and dynamic part of our own American heritage.•

HONORING 395TH AND 432D ORDNANCE BATTALIONS

•Mr. KASTEN. Mr. President, all Americans have good reason to be proud of the performance of our Armed Forces in the Persian Gulf war. Every community in this country is welcoming its local heroes in a spirit of joy and thanksgiving.

Nowhere is this more true than in the communities of Appleton and Green Bay in Wisconsin—who are welcoming back home two outstanding ordnance battalions, the 395th of Appleton and the 432nd of Green Bay.

The brave men and women of these two battalions played a vital role in the United States victory over Iraq. The 432nd also performed a humanitarian mission in northern Iraq and southern Turkey, setting up tent cities for Kurdish refugees.

The 395th ordnance battalion is the last Wisconsin unit to return home. With its return, we close a noble chapter in our Nation's history—and thank the 395th and 432nd ordnance battalions for all they did to make it possible.•

THE ANGOLAN PEACE PROCESS

• Mr. DECONCINI. Mr. President, during the August recess I had a valuable opportunity to visit various African countries and to assess personally the emerging movement toward multiparty democracy and to discuss respect for human rights with a number of African leaders. I will provide greater detail about this trip at a later date, but today I want to focus on the peace process in Angola.

I spent 2 days in Angola and was able to meet with both government and opposition leaders, including the president of UNITA, Dr. Jonas Savimbi, and the Angolan President, Eduardo dos Santos. I saw the devastation that the 16 year civil war has wrought on Angola's capital city of Luanda and the work in the field of health care that the UNITA has accomplished in the dry, Angolan bush country.

I delivered the same message to both sides—UNITA and the Angolan government must adhere to the spirit and the letter of the peace accords which they signed in Lisbon on May 31.

The Angolan peace process is just that—a process, not a one-shot deal. In a speech which was delivered by UNITA vice president Jeremias Chitunda on the occasion of my visit to UNITA's headquarters in Jamba, the vice president spoke to that issue. He stated, "* * * winning elections is not all; institutionalizing the process of accountability of the leaders to the people and ensuring that elections are held regularly is our key objective." I will hold both UNITA and the Angolan Government to this ideal. True democracy is not something which can be achieved overnight. It is something which needs constant attention and nurturing.

Likewise, the United States Government as well as the Portuguese and the Soviets, who are understandably preoccupied with their internal changes, must remain engaged in this process. All three countries are monitors of the process and, as such, have a heavy responsibility to ensure that both sides uphold their end of the accords. The monitors must perform their duties in an evenhanded, non-partisan manner. The United States must ensure that UNITA adheres to the accords just as

the Soviets must continue to stress to the Angolan Government that it has specific responsibilities under the accords. Because of understandable fears and uncertainties about the future from both sides, it is imperative that the United States, Soviet, and Portuguese Governments stay actively involved with the peace process through the elections scheduled for the fall of 1992.

As President Savimbi has noted, "war was difficult, indeed, but, peace, too, is quite painful." Peace is as difficult as war because there are so many unknowns and because each side must win the hearts and votes of their constituents. It is harder to rebuild a nation than it is to destroy it, but the rebuilding of a nation in peace provides a far more lasting and important contribution to the well-being of all people. Let us stay with the peace accords, as signed, and help the Angolan people rebuild their country.

I ask that vice president Chitunda's speech be printed in the RECORD at the conclusion of my remarks.

The speech follows:

UNIAO NACIONAL PARA A INDEPENDENCIA TOTAL DE ANGOLA—UNITA 1991—ANO DA DEFESA DA INDENTIDADE ANGOLANA PARA A CONQUISTA DA DEMOCRACIA ON THE OCCASION OF SENATOR DECONCINI'S VISIT TO JAMBA AUGUST 13, 1991

You come to Jamba at a particularly auspicious moment of transition in Angola, a transition to freedom and Democracy. In fact, I think it would be proper to paraphrase that great American hero, Gen. Douglas McArthur, when he addressed the joint session of Congress, after World War II:

"Today the guns are silent. A great tragedy has ended. A great victory has been won. The skies no longer rain death. Men everywhere walk upright in the sunlight . . . And in reporting this to you . . . I speak of the thousands of silent lips forever stilled among jungles and the beaches which marked the way. I speak for the unnamed brave millions homeward bound to take up the challenge of that future which they did so much to salvage from the brink of disaster."

Yes, we have endured 16 years of fierce fighting against most powerful enemies—200,000 regular Cuban troops have (rotatingly) fought here, equipped with most sophisticated Soviet hardware. Tens of thousands of Angolans perished. The country was economically ruined. When President Savimbi started the "Long March" in Feb. 1976 to retreat from the Soviet-Cuban onslaught to the rural areas, of the two-to-three thousand followers who made up his personal column less than 100 survived to reach this land of Cuando-Cubango; most had died along the way of hunger, disease and constant enemy air bombardments.

Then the resistance was organized. Dr. Savimbi reorganized the Party and the Armed Forces, appealed eloquently to all the people to be patriotic, the message went across, the people responded; the ranks swelled and every square mile of Angola was subsequently covered with the actions of our guerrillas. We fought because Angola, notwithstanding the end of the Portuguese colonial rule in 1975, had not become independent. The country had fallen under a new foreign occupation, the Soviet-Cuban; the elections stipulated by the Alvor Agreement never took place, and the unelected minority Mpla-Pt regime, propped-up by Cuba and the Warsaw Pact countries, was kept in place. In the 16 years Angola has known a far more tragic repression than during the preceding Portuguese colonial rule.

We strongly believed and were committed to achieve national reconciliation by multiparty democracy, peace through dialogue, and final durable settlement of the conflict through free and fair, internationally verified elections.

To all of these transparently good intentions, the enemy responded by investing more and more resources in their war efforts: more Cuban troops, more Warsaw Pact personnel, more money—to the tune of $3.5 million a day, more aircraft, more tanks and more sensational anti-UNITA propaganda and more frequent, bolder military offensives aimed particularly at destroying Jamba and destroying UNITA.

The last, most formidable offensive was called the "Last Assault" and took place from December 1989 to May 1990.

Saturation bombing raids were systematically carried out against us; they included the use of chemical, toxic bombs.

Every UNITA base was a familiar target. Jamba was littered with foxholes; the children, the elderly, all had to get used to the sound of the siren announcing the approach of a MIG bomber and to run for cover. A school day had often to be interrupted several times by bombers. Hospitals and schools were not spared. We couldn't hold rallies during the day.

The search for a negotiated settlement was very slow to bear fruit, because the Mpla-Pt was bent on seeking a peace of the cemeteries, a carthaginian peace.

All Mpla peace plans, crystallized around the Luanda Summit Conference of May 1989 and at Gbadolite summit conference of June, 1989 sought to exile President Savimbi, to destroy our Armed Forces by integrating them into the FAPLA, and to destroy UNITA by co-opting its members one by one through a scheme of "amnesty, pardons," etc. The oppressors pardoning the freedom fighters! Imagine the King of England pardoning George Washington without conceding to the triumph of the American Revolution!

A group of countries called the Gang of Eight and made up of Zambia, Zimbabwe, Zaire, Mozambique, São Tomé, Botswana, Gabão and Congo-Brazzaville was set up to promote support to such horrendous Luanda initiative. These were all un-democratic one-party regimes, ganging up with the MPLA Luanda regime trying to stop the fires of democracy from spreading in the whole region. They lost.

Perestroika was spreading like brush fire to promote Democracy in Eastern Europe and the unification of Germany; but in Angola it was still the rule of the KGB and Communist oppression.

UNITA's resounding victory at the "last assault" Mavinga offensive in May 1990, however, became the watershed, a turning point in the new diplomatic efforts towards a negotiated settlement.

The Portuguese government, at the urging of Dr. Savimbi, accepted to mediate the UNITA-Mpla talks which, after 12 months and 7 rounds of talks in Lisbon, culminated in the signing of the Angola Peace Accords on May 31, 1991.

It is therefore since last May that the guns have become silent, a great tragedy was ended, the skies ceased raining death, the Angolans have started walking upright again traveling freely even between Luanda and Jamba, and a big victory has been won.

Won not just by UNITA but by the whole of the Angolan people, nay, the whole of mankind. And the most important part of this victory is not just this nascent peace, but freedom and democracy, multi-party democracy, which will be final after we hold our first free, fair, just, multi-party elections in September 1992.

The Peace Accords are now being fully implemented. We are just enjoying the first fruits of this hard-won victory. Difficulties may arise and will arise, along the road to the polls, in the intervening 13 months; but we are confident we shall prevail, we shall overcome them all because the Angolan people will tenaciously uphold the implementation of these Accords and achieve durable peace. The guns should be silent forever. It is not peace at any price, but peace with dignity, with freedom, with Democracy.

I may be preaching to the choir here.

President Dwight D. Eisenhower once said: "the expression peace and friendship, so common nowadays . . ., is not complete in expressing American aspiration; Peace and Friendship in Freedom and Democracy is what ought to be."

We know of those who desperately seek friendship with the US; those who desperately seek US investment, and constantly cry "peace, peace," but who are not willing to pay the price: to embrace the values of freedom and democracy. Let us insist on peace and Friendship in Freedom and Democracy.

We may indeed, be preaching to the choir. The positive change here in Angola is not the fruit of perestroika, but rather of the strong US commitment to further the noble ideals of Life, Liberty and the pursuit of happiness for all mankind.

Since the repeal of the Clark Amendment in 1985, the US has played a pivotal, assertive leadership role. We were assisted materially, morally and diplomatically in all appropriate and effective ways. We were equipped to neutralize the enemy's air superiority; there was an adequate emergency support program which enabled us to defeat the enemy at the 1989/1990 Mavinga "Last Assault" offensive. There was a strong US backing to effectively coach the Portuguese mediation and to bring the Soviets on board; and the US made it clear that UNITA was not alone in this endeavor for Freedom and Democracy in Angola.

We pay a special tribute to you personally, Senator, for all you have done to enact the most constructive legislation in the United States Congress, to support the most constructive US policy for Angola. The victory of peace, freedom, democracy and national reconciliation here in Angola is yours too. You have been a co-midwife of these ideals here in our country.

Of course, this birth of what will be a strong partner of the free world is not quite over yet. We see the first joys of a process which will only end at the polls in September 1992. The role of the midwife, therefore, is not over. Perseverance and vigilance are required of you, Senator.

President Savimbi, noting the formidable challenges that the peace process poses, has recently commented to us that "war was difficult, indeed, but, peace, too, is quite painful." This metaphor is quite illustrative of the fragility of the situation when we see clearly the enemies of peace and democracy—because peace has got its own enemies too—wanting to challenge us to another match. Those who fear defeat at the next

elections, those who have not embraced in their conscience the elementary principles of political tolerance and democratic co-existence with fellow citizens with different political opinions, those who have been ruling singlehandedly and are frightened at the prospect of losing power or sharing it with somebody else, those who fear the people's verdict, those who dread the free press, would like to thwart the democratic process by provoking us into another match of armed confrontation. We say no, no more fighting; the Angolan people want the peace processed irreversible. But those who have still their stocks of weapons intact, their military aircraft idling at their military bases, those who have their hundreds of Soviet and Cuban military advisors still on hand, those who thrive in their vast financial resources from the sale of oil, those who sense that UNITA (with its anti-aircraft missiles withdrawn by the US) may no longer be a threat to their MIGS, those with their thousands of state political (MINSE) police agents still at large intimidating the populations, those are the ones to look out for, for they make this process fragile.

Peace is also painful because the implementation of the Peace Accords requires of us substantial financial and material wherewithal which we do not have. The budget required for our compliance with the Accords is twice the size of our annual requirements in war times; ironically, many of our friends are not willing to give us half of what they would normally allocate for us during the war; they say the war is over, so there is no more need for such assistance to UNITA. but unless we manage to provide for a decent life to our troops at the "assembly areas" and to our members to the JVMC teams, and unless we conclude the transformation of UNITA into a Political Party by setting up our offices in all provincial capitals as called for in the Peace Accords, in short, unless we meet our obligations, the Peace Accords may be in jeopardy.

As one American diplomat, John Foster Dulles, put it, "lasting peace cannot be totally secured, so long as one of the parties reserves its best men and best resources for the pursuit of war". Those Mpla die-hards believe that peace is just a period of cheating between two periods of fighting.

They are the enemies of peace and democracy. But we shall prevail, with your help. Thai is the only opportunity, and an extraordinarily historical opportunity for Angola, Southern Africa and the whole of the free world to score a smashing success.

We are confident.

The next time we receive you here, Senator, we hope it will be on a tourist trip, because by then, elections will have been held, the elected President of the Republic of Angola, Dr. Savimbi, will be permanently settled in Luanda, and we'll be reaping the fruits of peace, freedom, democracy and economic prosperity.

More than that, winning elections is not all; institutionalizing the process of the accountability of the leaders to the people and ensuring that elections are held regularly is our key objective.

A government of the people, by the people and for the people is what Angolans seek, and the time has come.

Thank you.

HONORING MAYOR ZIELKE

• Mr. KASTEN. Mr. President, it is important when we confront national problems here in Congress that we look to the local level for leadership. That's where the intelligence and the innovation really are—at the grass-roots.

I would like to call to the attention of my colleagues one excellent example of leadership in action at the local level—Mayor Patrick Zielke of La Crosse, WI.

Mayor Zielke has been an energetic advocate of economic growth and community progress, and we can all learn something from his efforts. I ask that a recent article from the Milwaukee Journal about Mayor Zielke's sterling record be included in the CONGRESSIONAL RECORD at this point.

The article follows:

[From the Milkwaukee Journal, July 28, 1991]

MAYOR USES PERSONAL APPROACH IN CAMPAIGNING FOR LA CROSSE

(By David J. Marcou)

LA CROSSE, WI.—When G. Heileman Brewing Co. came under fire recently from protesters who said its potent new PowerMaster malt liquor was being targeted irresponsibly at black males, La Crosse Mayor Patrick Zielke quickly began working behind the scenes.

Zielke, mayor of this Mississippi River city of about 50,000 for the past 16 years, set up a meeting between Heileman Chief Executive Officer Thomas Rattigan and two Chicago priests who had been arrested for picketing the La Crosse brewery over the company's marketing of PowerMaster.

The issue became moot when, on the day of meeting, the US Bureau of Alcohol, Tobacco and Firearms prohibited the company from using the controversial brand name once its current supply of the product had been sold.

But the controversy points out, some say, why voters keep Zielke in the mayor's office. He got involved to defuse a controversy that was casting Heileman's name—and, subsequently, the city's—in a negative light.

While he has his detractors, his supporters say Zielke is the city's biggest booster, and keeping La Crosse, as he calls it, the "nation's No. 1 small city," is at the top of his agenda.

"Since he became mayor, he's been very aggressive and promoted the city," said Dave Geske, president of the Common Council. "I think he's done an exceptional job."

Steve Carlson, corporate attorney for Heileman, called Zielke's intervention in the PowerMaster dispute helpful. "The mayor's always been very supportive of Heileman, and he is supportive of the business community in general," Carlson said.

After serving as alderman for nine years, Zielke defeated Mayor W. Peter Gilbertson in 1975 and began his uninterrupted leadership of the city. He was unopposed in the last election, in 1989, and none of the challenges he has had since being elected have been close.

THE DEVELOPMENT BEAT

Zielke's personal style is laid back. Yet his aggressive economic pursuits have led to economic development in the city.

"We don't want growth at any cost, because some [forms of] growth may not be good for us. But we do want growth that fits La Crosse," Zielke said.

Zielke has helped to obtain much of the $80 million in state and federal grants that La Crosse has garnered during the past 20 years. He also helped boost construction of at least two large projects, the 10-story First Bank Building and the Valley View Mall.

"Most of what you see in the city is something he's had an important role and influence in," said Stanton M. Jorgens, president of the First Bank of La Crosse.

The mayor also has been influential in making tourism a city priorty. He was a prime mover in building La Crosse Civic Center, which has an 8,000-seat auditorium where the Continental Basketball Association's La Crosse Catbirds play their home games, and the Radison Hotel. Both are in the revitalized downtown. Now he would like another hotel downtown.

For the past few years, Zielke has been pushing to have a privately financed baseball stadium built in the city, to help lure a minor league team.

A referendum question last year on the issue was defeated even though, as he puts it, the stadium "wouldn't have cost the taxpayers a cent." The stadium proposal was voted down, 6,632 to 4,374.

TROUBLES IN PARADISE

Currently, near the Valley View Mall on the northeast side, Zielke is pushing hard to "hold the line" by challenging the annexation of the Town of Medary by the City of Onalaska.

Zielke said he was "fighting fire with fire" with Onalaska by threatening to ask the Common Council to cut off Onalaska's use of La Crosse's sewage treatment facility. He says it would cost the neighbor city to the north $50 million to build its own sewage treatment plant.

Onalaska Ald. George Ousterhout said the Town of Medary annexation was "a matter of free choice" by the residents, not a land grab. "It was a unanimous petition by the residents involved in the annexation that brought them into the City of Onalaska," Osterhout said.

La Crosse has not been without other problems during Zielke's tenure.

The city's police arrested about 150 people during a riot in April stemming from the Coon Creek Canoe Race and Festival. The Oktoberfest each fall is a continuing problem, producing crowds of unruly drinkers.

And despite Zielke's perpetual popularity at the polls, he is not popular with everyone.

"He has been in office way too long," said Linda K. Heisler, a former Common Council president who was defeated in the spring election. Heisler calls him a "tyrant" who gets his way "by bullying and coercing people."

"I tend to be a people person, and he tends to promote things that benefit the wealthy, not the ordinary people of the city of La Crosse," Heisler said.•

CSCE VIENNA NEGOTIATIONS AND ARMS TRANSFERS

• MR. DECONCINI. Mr. President, I recently led a delegation along with Helsinki Commission Chairman Steny Hoyer to Vienna, Austria to participate in the ongoing CSCE military security negotiations. These talks cover the conventional forces, with which we are all familiar, as well as confidence building among the 35 CSCE participating states.

The CSCE has played a key role in promoting positive change in much of Europe in the past—the recognition of Baltic freedom being only the latest development—largely because it has set high standards and has criticized

member states which have deviated from them. With the rapid changes taking place in Yugoslavia and the Soviet Union, the CSCE must now redouble its efforts to solve crises in Europe, and to prevent potential conflicts from erupting into violence. While in Vienna, the delegation had an opportunity to visit the recently established CSCE Conflict Resolution Center which can serve as a valuable tool in the process of conflict avoidance and resolution. It can do more provided participating states look squarely at the dangers they face and do not hesitate to act.

One specific area where the CSCE could make an important contribution is the monitoring and limitation of arms transfers. Nine of the world's top ten arms-selling states are CSCE members. The United States, which sold more weapons last year than any other nation, has a special responsibility in this regard, and should be at the head of efforts to stem the destabilizing flow of arms. Yet we do little, while our allies and friends propose concrete measures. Are we yielding to pressure from our industries, or do we merely suffer from a lack of vision? In any case, we do a disservice to the CSCE by not involving it in such a critical area.

Mr. President, I ask that the full text of the speech presented in Vienna by Chairman HOYER at the negotiations on confidence and security-buildings measures, be printed in the RECORD at this point.

The speech follows:

REMARKS TO THE CSBM PLENARY BY STENY H. HOYER, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, SEPTEMBER 4, 1991

Mr. Chairman, I am pleased to once again have the opportunity to talk to a forum of the CSCE. It seems that in the past few years, each time that I do, the world is a different place than when I spoke last. This is dramatically true today.

Four and half decades ago, Winston Churchill declared in Fulton, Missouri, in the heartland of the United States, that "From Stettin in the Baltic to Trieste in the Adriatic an iron curtain has descended across the continent."

We have seen that wall come down.

We have seen the people of the Soviet Union in recent weeks look down the muzzles of tanks and say "Nyet" to efforts to reestablish repression through fear, brutality and intimidation. And freedom won. The pulse of democracy and human rights is strong in the body politic of the republics we have known as the Soviet Union.

The pace of curent events in Europe make delivering a prepared speech with any definitive assessments foolhardy, if not impossible. I would be remiss if I did not open with words of congratulation for the Baltic States, whose independence has finally been recognized, by my country and others around this table, after fifty years of occupation. On this historic occasion, we see the passing of one of the final barriers which, for so long, divided this continent. The process of democratization in the Soviet Union has been most responsible for this event.

There can be no question that a challenging road remains ahead for these three countries. For that very reason, I and my colleagues at the Helsinki Commission and the United States Congress would urge the countries of the CSCE to take prompt action in support of the Baltic States, in particular, by moving quickly to make Estonia, Latvia and Lithuania full members of the CSCE. We have proclaimed this to be our goal for so long that we must not hesitate now.

Baltic freedom is yet another example of a goal, achieved with the help of the CSCE process, that was deemed unrealistic by many. History has shown that the CSCE must not be afraid of "unrealistic" goals. I would recall a point I made three years ago, when I addressed a plenary meeting here as we struggled with the question of two CSCE security forums and a human rights meeting in Moscow. In 1982, President Ronald Reagan suggested a "zero option" for arms control and was labelled at best naive and at worst cynically manipulative. Five years later, he and President Gorbachev signed a treaty eliminating an entire class of nuclear weapons. Eight years later, your fellow negotiators here in the Hofburg wrote into a treaty cuts in conventional forces which, although not a "zero option," would have been regarded as equally naive or dangerous had they been proposed in 1982.

At the follow-up meeting in 1988, I asked why human rights advocates should settle for any less. We in the United States and on the Helsinki Commission seek a "zero option" for human rights: zero political prisoners; zero divided families, zero refusals of requests to emigrate or return; zero broadcasts jammed; zero restraints on religious observance and teaching; zero curbs on free communications, assembly, and association.

I think we could all agree that we are closer to that goal than we could have imagined in November 1988. Recent events have shown, however, both the vulnerability of those gains to repression and the strength of popular support for those gains—a strength bolstered by the knowledge that states will be held accountable for their commitments under the Helsinki process. Adherence to Helsinki principles, to the commitments of the Copenhagen Document and the Paris Charter, is essential not only for the well-being and security of individuals, but for that of states as well.

The crises we face in Europe must make us more aware than ever that security is indivisible. The wisdom of the architects of Helsinki, some of whom are with us today, in insisting that the three baskets of Helsinki be linked is evident. Today we often hear that this idea is outdated, old thinking, a Cold War leftover. Nothing could be more wrong. While we have had significant success in cutting back the military means of conflict, the ethnic, national and political sources of conflict threaten to overwhelm us. In this light, the potential of the Conflict Prevention Center takes on a greater relevance. In tandem with the efforts in the human dimension—through the linkage the Helsinki process wisely provides—the military side of the CSCE can enhance security, in the broadest sense of the term, for all our people.

As you begin informal discussions and consultations on a new forum for security issues, bringing in all the participating States, you have a string of successes on which to build. The flexibility of the CSCE process has already allowed the security basket to adapt to the momentous changes in Europe of the past two years. From the original CBMs of Helsinki and Madrid and the ground-breaking inspection provisions of Stockholm, security in the CSCE has grown to encompass the exchange of volumes of information, budgets, and plans; visits to evaluate the accuracy of that information; a mechanism for states to discuss their security concerns relating to the unusual military activities of other participating States; and even an annual review of implementation—something the Conference on the Human Dimension has successfully employed.

These interlocking measures are the beginnings of a true "security system:" not an artificial entity, but a practical system of measures that work, enhance the security of all participating states in practical ways. The Conflict Prevention Center, whose Consultative Committee you form, is a visible sign of the potential for cooperation strong enough to withstand efforts to divide or tyrannize any part of Europe. The goal of enhancing security in its broadest sense should be kept in mind as you work at the development of this modest institution, which does not yet live up to its name. We should be inspired by the success of the much-maligned United Nations in responding collectively to the naked aggression perpetrated by Saddam Hussein against Kuwait.

As we explore potential tasks for the security basket, I would recall one Secretary Baker highlighted in Berlin—arms transfers and proliferation. The United States has a strong interest in pursuing stricter control of arms transfers in a multilateral framework. The United States Congress has called for a U.S. policy combining unilateral restraint and multilateral diplomacy to slow destabilizing flows of arms. My country is not the only one to recognize the special responsibility of CSCE states—nine of the world's top ten arms dealers, with cutting edge technology at their disposal, sit around this table. I am aware that my country sells one of the greatest quantities of arms. Several of the countries around this table have joined the United States in calling for work on arms transfers within the CSCE; our Polish colleagues have tabled an interesting proposal here.

Information, which the CSBMs use to increase transparency and decrease anxiety about our military forces, is an excellent way to better understand and cope with the profusion of weapons transfers as well. The Gulf War demonstrated the need to monitor the potential for mass destruction we create.

The recent acceleration of change in the Soviet Union must make us look forward, as well, to the possibility of greater progress in conventional arms control as well. The CSBM forum cannot but be heartened to hear so many of the newly-sovereign republics renounce the use of nuclear weapons and offensive militaries. These developments may concern us, and challenge our traditional concept of the military balance and negotiations among states. But they also present an unprecedented opportunity for cooperation at many levels, an opportunity that should be used to enhance openness and transparency on weapons deployment, both conventional and nuclear.

The complex of military and political changes which have brought us to this point proves that conflicts or potential conflicts in Europe—although their military dimension may be the most frightening or the most potentially destabilizing-cannot be solved through military measures alone. The CSCE continues to add tools to address all the facets of conflict in Europe. With the Senior Officials meeting on the continuing tragic violence in Yugoslavia in process, our countries must take concrete steps—such as the convening of an international conference lead-

ing to a CSCE-guaranteed cease-fire—aimed at the roots of the conflict.

The Conference on the Human Dimension, of which the Moscow meeting is an integral part, addresses another element of conflict—the crucial connection between respect for human rights and a secure, peaceful society. Particularly topical are the ramifications of non-observance of human dimension commitments regarding self-determination, the full of law, and civilian control of the military. In the wake of the recent coup attempt in the Soviet Union, the linkage between observance of military commitments and implementation of human dimension commitments has never been more clear. Given the human condition, we will never eliminate threats to the security of the region. But, minimizing risks to international security is our objective and our obligation. I wish you well as you pursue this critical work.•

BUDGET SCOREKEEPING REPORT

• Mr. SASSER. Mr. President, I hereby submit to the Senate the most recent budget scorekeeping report for fiscal year 1991, prepared by the Congressional Budget Office under section 308(b) of the Congressional Budget Act of 1974, as amended. This report serves as the scorekeeping report for the purposes of section 605(b) and section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $0.4 billion in budget authority, and under the budget resolution by $0.4 billion in outlays. Current level is $1 million below the revenue target in 1991 and $6 million below the revenue target over the 5 years, 1991–95.

The current estimate of the deficit for purposes of calculating the maximum deficit amount is $326.6 billion, $0.4 billion below the maximum deficit amount for 1991 of $327 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 10, 1991.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1991 and is current through August 2, 1991. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the Budget Enforcement Act of 1990 (Title XIII of P.L. 101–508). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated July 29, 1991, there has been no action that affects the current level of spending and revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS. AS OF AUG. 2, 1991

[In billions of dollars]

	Revised on-budget aggregates[1]	Current level[2]	Current level +/− aggregates
On-budget:			
Budget authority	1,189.2	1,188.8	−0.4
Outlays	1,132.4	1,132.0	−.4
Revenues.			
1991	805.4	805.4	(3)
1991–95	4,690.3	4,690.3	(3)
Maximum deficit amount	327.0	326.6	−.4
Direct loan obligation	20.9	20.6	−.3
Guaranteed loan commitments	107.2	106.9	−.3
Debt subject to limit	4,145.0	3,527.5	−617.5
Off-budget:			
Social Security Outlays:			
1991	234.2	234.2	
1991–95	1,284.4	1,284.4	
Social Security Revenues:			
1991	303.1	303.1	
1991–95	1,736.3	1,736.3	

[1] The revised budget aggregates were made by the Senate Budget Committee staff in accordance with section 13112(f) of the Budget Enforcement Act of 1990 (title XIII of Public Law 101–508).

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. In accordance with section 606(d)(2) of the Budget Enforcement Act of 1990 (title XIII of Public Law 101–508) and in consultation with the Budget Committee, current level excludes $45.3 billion in budget authority and $34.6 billion in outlays for designated emergencies including Operation Desert Shield/Desert Storm; $0.1 billion in budget authority and $0.2 billion in outlays for debt forgiveness for Egypt and Poland; and $0.2 billion in budget authority and outlays for Internal Revenue Service funding above the June 1990 baseline level. Current level outlays include a $1.1 billion savings for the Bank Insurance Fund that the committee attributes to the Omnibus Budget Reconciliation Act (Public Law 101–508), and revenues include the Office of Management and Budget's estimate of $3.0 billion for the Internal Revenue Service provision in the Treasury-Postal Service appropriations bill (Public Law 101–509). The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50,000,000.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF CLOSING OF BUSINESS AUG. 2, 1991

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			834,910
Permanent appropriations	725,105	633,016	
Other legislation	664,057	676,371	
Offsetting receipts	−210,616	−210,616	
Total enacted in previous sessions	1,178,546	1,098,770	834,910
II. Enacted this session:			
Extending IRS deadline for Desert Storm troops (H.R. 4, Public Law 102–2)			−1
Veterans' education, employment and training amendments (H.R. 180, Public Law 102–16)	2	2	
Dire emergency supplemental appropriations for 1991 (H.R. 1281, Public Law 102–27)	3,823	1,401	
Higher education technical amendments (H.R. 1285, Public Law 102–26)	3	3	
OMB domestic discretionary sequester	−2	−1	
Emergency supplemental for humanitarian assistance (H.R. 2251, Public Law 102–55)	1		
Total enacted this session	3,826	1,405	−1
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in revised on-budget aggregates	−8,572	539	

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, 102D CONG., 1ST SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1991 AS OF CLOSING OF BUSINESS AUG. 2, 1991—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
VI. Economic and technical assumption used by Committee for budget enforcement act estimates	15,000	31,300	−29,500
On-budget current level	1,188,799	1,132,014	805,409
Revised on-budget aggregates	1,189,215	1,132,396	805,410
Amount remaining:			
Over budget resolution			
Under budget resolution	416	382	1

[1] Less than $500,000.

Note.—Numbers may not add due to rounding.•

DR. WARREN H. STEWART, SR.

• Mr. DECONCINI. Mr. President, I rise to share with my colleagues a speech by Dr. Warren H. Stewart, Sr., pastor of the First Institutional Baptist Church in Phoenix. This speech was delivered at the National Organization of Episcopalians for Life luncheon on July 17, 1991 during the 70th General Assembly of the Episcopal Church in Phoenix, AZ. Dr. Stewart passionately expresses his views on the human rights of the unborn child and the need to preserve life—views which I share—and I strongly commend his remarks to my colleagues.

I ask that the speech be printed in the RECORD.

The speech follows:

ADVOCATING THE HUMAN RIGHTS OF UNBORN CHILDREN IN THE SPIRIT OF DR. MARTIN LUTHER KING, JR.

(A Speech Delivered by Dr. Warren H. Stewart, Sr. at the NOEL Luncheon on July 17, 1991 held during the 70th General Assembly of the Episcopal Church in Session in Phoenix, Arizona.)

INTRODUCTION

Today is a "red-letter" day on my calendar. It is not every day that a Black Baptist preacher from Coffeyville, Kansas gets the opportunity to speak before a group of sophisticated Episcopalians. Indeed, you have provided the opportunity for the "High Church" and the "Low Church" to meet on *level* ground for a noble cause. Thank you for the acceptance of the recommendation for me to speak today from Dr. Carolyn F. Gerster, Vice President of NOEL, crusader of the Right to Life of the Unborn and a dear friend of mine in the causes of Christ and justice.

Welcome to Arizona, my Episcopalian brothers and sisters, in spite of . . . the *heat* over which none of us has any control *and* the infamous historical fact that our State has had three Martin Luther King, Jr. state holidays either rescinded, overturned by referendum and/or defeated at the polls. But, rest assured, through *Victory Together*, Arizona will *make history* in November 1992 when we become the first and only State in the Union to approve a Martin Luther King, Jr./Civil Rights Day by a vote of the people. Please know that your coming to Arizona for your Convention has already helped us move a step closer to attaining our goal. Thank you for keeping your commitment to come.

To my delight, many of Arizona's more vocal advocates of the human rights of unborn children are Episcopalians. They are also counted among the "movers and shakers" in Arizona. Of course, there is Dr. Carolyn Gerster, retired Bishop Joseph Harte, Deacon Bill Jamieson, a Democratic activist, Dr. Carey Womble, my colleague in "crime", and William Cheshire, Editor of the Editorial Pages of *The Arizona Republic*.

God be praised for the prophetic, Scriptural and humane ministry of NOEL-National Organization of Episcopalians for Life. I have been both enlightened and encouraged by reading copies of your newsletter and pamphlets on the sanctity of human life. Your Noel House, a Home for Single Mothers and their Babies, provides a praiseworthy testimony and example for believers and unbelievers alike of your commitment to ministering to persons before birth and after birth. Your holistic Christian ministry to "the least of these" surely makes Heaven happy!

I

For nearly four years I served as General Chairperson of *Arizonans for a Martin Luther King, Jr. State Holiday* and now as General Chairperson of *Victory Together* fighting for a paid state holiday honoring one of the world's most recognized champions of human and civil rights.

I appreciate this opportunity to speak on behalf of the human rights of unborn children. It is a right I believe is espoused in the Preamble of the Constitution of the United States of America which reads, "We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution of the United States of America." The *Webster's New World Dictionary, 2nd College Edition* published in 1982 defines *posterity* as "all of a person's descendants," all of whom begin in the womb of a mother.

I strongly advocate the human rights of unborn children which is based on the same Constitutional principles on which I have advocated and fought for other human rights issues relating to the oppressed, downtrodden and disadvantaged among us. So, as I have fought for the rights of African-Americans, Hispanic-Americans, Native-Americans, Asian-Americans, Euro-Americans, Black South Africans, Chinese students, persons suffering from AIDS, the handicapped, homeless, women and children, I speak these words fighting for the right to life of unborn human beings. In addition, my deep convictions on this issue are intricately connected to the principles espoused by the late Dr. Martin Luther King, Jr.

The reasons I advocate legislation which would restrict abortion-on-demand across our nation are as follows. On November 14, 1989, I was arrested, later convicted, sentenced and jailed with other members of the clergy for engaging in a non-violent act of civil disobedience in front of a local abortion clinic in protest of unrestricted abortions made legal by the United States Supreme Court in 1973. Dr. King once wrote of civil disobedience, "If an earthly institution or custom conflicts with God's will, it is your Christian duty to oppose it." I have yet to be shown that abortion-on-demand is God's will or substantiated by Holy Scripture.

There are those supporting unrestricted abortions who speak of the new life developing inside a mother's womb as "fetal tissue" or not a human being. Is "it" an animal? Is "it" not human life? When does "it" become a baby? Only at the stage of viability? Anyone who visits any intensive care units or nursing homes can see for himself or herself many persons who do not possess viability without life support systems. Moreover, just a century and a half ago the Law of the Land determined that the Negro was only to be counted as three-fifths of a person, thusly arguing that African slaves were not full persons. That same argument is used to justify unrestricted abortions.

Many who advocate a woman's unrestricted right to choose to have an abortion often say that abortion is a personal and private matter; therefore one should not impose his or her personal morality on another. God forbid, if 19th century abolitionists had taken such a position when slaveowners defended slavery because enslaved human beings were legally accepted as their personal and private property.

Other pro-choice advocates argue that "morality cannot be legislated." Nevertheless, history has proved time and time again that when all else failed, it took the government, especially in dealing with racism and bigotry, to legislate minimum guarantees in order that the moral rights of abused and oppressed humans were granted to them. That was what the Civil Rights Movement was all about.

Some who espouse religious beliefs contend that abortion is basically a religious issue. Thusly, the government should not interfere in a woman's decision to have an abortion and religious persons should not force their religious beliefs on others. Do we so quickly fail to remember that Martin Luther King, Jr.'s dream was first a biblical dream grounded in a strong Judeo-Christian heritage arising from the Old and New Testaments? His movement began in the Church and he organized the Southern Christian Leadership Conference. So, why then are religious beliefs considered off base on the abortion issue?

As an advocate of non-violence, I deplore abortion because it is a violent act of the destruction of unborn human life. Therefore, as I oppose capital punishment, child and spousal abuse and violent war, I also oppose abortion on the same principle of non-violence espoused by Martin Luther King, Jr. In addition, although pro-choice advocates say minority and poor women will be most hurt by tighter abortion laws, I contend that poverty is never an excuse for genocide or infanticide.

Essentially, I am "whole-life" rather than just pro-life. I believe that we must fight for the rights of and provide the basic necessities for every human created in the image and likeness of God "from the womb to the tomb." Regrettably, legalized abortion is necessary in rare cases. However, I believe that the United States Supreme Court in its 1973 "Roe vs Wade" decision that legalized abortion-on-demand created an unjust and inhumane law. I deplore unrestricted abortion-on-demand as well as abortion as birth control which constitutes 97 percent of all abortions performed for reasons other than life-threatening health danger to the mother, rape and/or incest. More fundamentally, I abhor the gross, unjust and self-centered devaluation of human life at every stage of maturation which permeates our current "throw-away" society. And I do so in the spirit of Dr. Martin Luther King, Jr.

II

In that same spirit, on January 21, 1990, the 61st Anniversary of Dr. King's birth, I wrote an open letter to the Reverend Jesse Jackson on abortion. Here are some excerpts from that letter:

Dear Brother Beloved: I write you this open letter in love. A love that would dare to challenge one whom I have admired and respected as one of America's foremost prophetic voices. A love that has proven its worth in my vocal, political, financial and theological support of you as a preacher-prophet, civil rights activist, ambassador of global peace and two-time candidate for the Presidency of the United States of America. A love that rejoiced when you preached from the pulpit of the First Institutional Baptist Church on Peace Sunday, May 4, 1986. Nevertheless, I write you this open letter to beg to differ with your open stand for a woman's unrestricted right to choose to have an abortion, which means that for every abortion, an unborn baby's life is terminated and kept from being somebody created in the image and likeness of God.

What has changed your mind since 1977? According to the September 27, 1989 issue of the Wall Street Journal, in 1977, at a March for Life rally you said, "The solution to a (crisis pregnancy) is not to kill the innocent baby but to deal with (the mother's) values and her attitudes toward life." Yet, last year and during your 1988 presidential campaign, you defended a woman's right, especially poor women, to choose abortion for any reason. Jesse, that woman's right leads to 1,500,000 unborn babies being aborted each year * * *.

You know that Dr. King quoted the opening lines of Abraham Lincoln's Gettysburg Address in his immortal "I Have a Dream" speech which declared that "this nation (was) dedicated to the proposition that all men are created equal." Tell me, Jesse, is an unborn child not equal until he or she leaves his or her mother's womb? . . .

Lastly, you made famous the esteem-building and culturally-enriching chant in the 1960's, "I am Somebody." "I may be on welfare * * * I may be uneducated * * * I may be unwed * * * I May be Black, but I am somebody because I'm God's child." I guess unborn children ain't nobody in your eyesight no more.

Save the Children,

DR. WARREN H. STEWART, SR.,
Past Chairperson—Arizonans for a Martin Luther King, Jr. State Holiday, and Pastor, First Institutional Baptist Church

III

I am here today because I believe that all human life is sacred from the womb to the tomb. I am here because I agree with the oft-stated "Sanctity of Human Life Ethic" which reads, "The reverence for and sacredness of each and every human life (is) based upon its intrinsic worth and equal value regardless of its stage or condition from conception to natural death." I am here because I believe that "all men and women are created in the image and likeness of God" and should be guaranteed "life, liberty and the pursuit of happiness."

An extremely significant and historical reason I am here is because I believe that if Martin Luther King, Jr. were alive that he would be here. You see, Dr. King did not limit his civil and human rights beliefs to the awful consequences of racism and bigotry in America perpetrated against persons of his race only. No, Dr. King spoke out against the near-annihilation of the Native-American peoples of this Land who were before the Mayflower. He declared that Hitler's Holocaust of six million Jews stands as a haunting memorial of "man's inhumanity to

man." In the early 1960's, Martin King denounced the South African government's horrendous system of apartheid. Martin Luther King, Jr., Ph.D., a son of a middle class, big city preacher, spent most of his adult life championing the causes of the poor and needy of ever color. Although accused of being a Communist, listen to Pastor King's own words on Communism, "Communism and Christianity are fundamentally incompatible. A true Christian cannot be a Communist, for the two philosophies are antithetical and all the dialectics of the logicians cannot reconcile them." Regrettably, Dr. King was right about America's involvement in the Vietnam War. (History has proven him right!) And, Martin Luther King, Jr. loved both his children and the children of America. For, on the steps of the Lincoln Memorial in Washington, D.C., in 1963, in his famous "I Have a Dream" speech, he proclaimed, "I Have a dream that one day down in Alabama—with its vicious racists—one day right there in Alabama, little black boys and black girls will be able to join hands with little white boys and white girls as brothers and sisters." That's why I believe that if Martin were alive that he would be here eloquently enunciating the human rights of unborn children in words akin to this, "red, yellow, brown, black and white. They are all precious in His sight. (Martin) loves the little children of the world."

Lastly, I am here really for one reason and one reason only. I am here to celebrate life—the lives of precious little babies who have a right to live, as much of a right as their mothers did when they were in their mother's wombs.

I am here to celebrate the right of unborn children to live which negates the Supreme Court's alledged right of an expectant mother to choose to end the life of the developing human life within her for any reason whatsoever.

CONCLUSION

I have a confession to make. I almost walked away from sitting in front of that "drive-in" abortion clinic in November 1989 when the uniformed police officers arrived in several squad cars to arrest us. But, I'll tell you what kept me from walking away. No aborted baby ever walks away!

I close with a quote from Father Daniel Berrigan. "When they come for the innocent without crossing over your body, cursed be your religion and your life."

I am here advocating the human rights of unborn children in the spirit of Dr. Martin Luther King, Jr. And, let me leave this with you, "We Shall Overcome!"•

TRIBUTE TO AL ZUCKERMAN AND TOM METZLER

• Mr. LAUTENBERG. Mr. President, I rise today to honor and congratulate two distinguished members of the Fair Lawn community, Mr. Al Zuckerman and Mr. Tom Metzler. These two men have contributed countless hours of their time to volunteer for various groups and organizations in their community. On September 19, they will be honored by Bergen County executive Pat Schuber; who will recognize them for their tireless effort and commitment to Fair Lawn.

Al Zuckerman is involved with numerous benevolent organizations. He founded the Fair Lawn Cordoza Knights of Pythias Circus 11 years ago and has been chairman since its inception. Over 45,000 handicapped persons have been guests at the circus and over 200 organizations who aid the disabled and mentally handicapped are invited. The profits generated by the circus are donated by Cardoza Lodge, Knights of Pythias to other charities and sponsors a series of free parties, attended by 500 mentally retarded, with live music, entertainment, and a full meal.

In addition to the Pythias Circus, Mr. Zuckerman is involved with many other Pythian charitable endeavors. He is chairman of the Knights of Pythias Job Placement Bureau for the entire State, chairman of the Pythian State Community Relations Committee, and is a trustee of N.J. Knights of Pythias Charities Foundation. He has been awarded the Knight of the Golden Spur, the highest honor the order confers, and has been elected to the Pythian Hall of Fame.

Beyond Knights of Pythias volunteer work, Mr. Zuckerman has also been active on the Fair Lawn All Sports Association board of directors for the past 14 years and has served two terms as president. He served 3 years on the board of directors of the Fair Lawn Mental Health Center and previously served as fund raising chairman and annual dinner chairman.

Recently, he was elected to the board of directors of the Opportunity Center and has also been on the Fair Lawn Youth Advisory Committee since its inception. Mr. Zuckerman volunteered his services and has been chairman for many other community fundraising efforts, carnivals, picnics, and theater parties and other events. The New Jersey Jewish War Veterans honored Mr. Zuckerman with their annual Community Relations Award.

Mr. Tom Metzler is also being honored for his outstanding volunteer services in the community. In 1976, he began volunteering for the Fair Lawn Fire Department. Since then he served as fire chief and is currently a first lieutenant in Fire Company No. 2. Mr. Metzler received an award from the fire department for a heroic rescue in 1987 and received the Volunteer Service Cross.

He has been an authorized driver for the Fair Lawn Ambulance Corps since 1989 and was appointed last year as the director of Fair Lawn's Office of Emergency Management. Mr. Metzler has been a member of the emergency management committee for the last 5 years and wrote the fire department annex in 1986.

Despite the demands of owning and operating his own plumbing and heating firm in Fair Lawn, Mr. Metzler still finds time to volunteer for community services. He is currently the president of the Fair Lawn Library board of trustees and has been a member of the board since 1989. Mr. Metzler is a consultant for the junior achievement-business basics at the Warren Point School and has been a member of the Fair Lawn Board of Education C.I.E. Advisory Board since 1989.

Mr. Metzler's volunteer activities have not been limited to Fair Lawn alone; he has served as a firefighter evaluator for the Bergen County Police and Fire Academy in Mahwah since 987. He has been a member and served the Hawthorne Fire Department since 1990 and served on Hawthorne's Board of Education's C.I.E. Advisory Board since 1979, serving as chairman in the years 1981, 1984, and 1986. Mr. Metzler is a charter member of the Hawthorne Junior Ambulance Corps and served as a member of Hawthorne's Ambulance Corps for the greater part of the 1970-80 decade.

The dedicated work of Mr. Zuckerman and Mr. Metzler enriches the Fair Lawn community. I join with the people of Fair Lawn in extending to these two men my heartiest congratulations. I extend to Al Zuckerman, Tom Metzler, and their families my warmest wishes for good health and happiness in the future.•

CONTINUED CONCERN OVER VIOLENCE IN YUGOSLAVIA

• Mr. DECONCINI. Mr. President, many dramatic events occurred during the course of the congressional recess. First among them was the attempted coup in the Soviet Union, the subsequent unraveling of that country, and the now fully recognized independence of Estonia, Latvia, and Lithuania. Representative STENY H. HOYER and I, as cochairs of the Helsinki Commission, have just led a Commission delegation to each of three Baltic States, to several Soviet republics, and to Moscow where we witnessed the long-awaited granting of full Baltic membership in the CSCE.

These historic events have deservedly captured our attention, but we cannot forget other recent events of concern. We need to focus in particular on the tragedy that is transpiring in Yugoslavia, especially in Croatia where Serbian rebels supported by the Yugoslav Army have been fighting Croatian forces and wreaking havoc on many Croatian towns and villages. Day after day, more people have been killed or injured in this fighting. Many are innocent civilians, trapped by the senseless violence.

The European Community countries have repeatedly sought to restore the peace, and have been supported in their efforts by three emergency meetings of CSCE senior officials. Yet, the fighting has continued, in violation of an agreed cease-fire. A new truce involving Serbian leaders in Croatia was achieved only yesterday, a day which also saw approximately 30 more people killed in

fighting in various regions of the Croatian Republic.

I have condemned on several occasions the fighting in Yugoslavia, and I applaud the recent decision of European officials not to recognize external or internal border changes made unilaterally and by force. Any credible solution to the Yugoslav crisis must be achieved peacefully and by mutual agreement, consonant with the principles of the CSCE. At present, the international peace conference in the Hague, chaired by Lord Carrington, is attempting to do just that, and it deserves our strongest support.

If the fighting continues, however, the United States and other concerned countries must be prepared to take stronger measures. Earlier, Helsinki Commission Chairman HOYER and I had recommended that the CSCE meet at the level of foreign ministers to consider such measures, including the deployment of CSCE peacekeeping forces. These forces would be better able than monitors to deter any further breaking of an agreed cease-fire, and they could be deployed not only in Croatia but in other areas where violence seems ready to erupt. Bosnia-Hercegovina, with its volatile mix of peoples and its location between Serbia and Croatia, is of immediate concern in this regard, along with Kosovo, where violence occured just yesterday as Servian security forces broke up a demonstration by ethnic Albanians calling for educational rights. Macedonia is also a concern in light of a referendum which was held in this southernmost Yugoslav republic on September 8 in which the overwhelming majority of voters opted to become sovereign and independent rather than in an unequal federation.

The United States and other countries must also be ready to respond to what seems to be the most likely outcome of the current crisis if the current fighting continues: the breakup of Yugoslavia. As interethnic conflicts move closer to full-scale civil war, the prospects for Yugoslavia to stay together become increasingly remote.

Today, however, it is vital that the United States and other countries take a strong stand in favor of peace and democracy throughout Yugoslavia, no matter what the future political structure of that country may be. Many countries took this stand yesterday, at the opening of the Moscow CSCE meeting on human dimension issues, and we need to reinforce these efforts here in Congress. We cannot remain silent as the tragedy goes on.●

REMOVAL OF INJUNCTION OF SECRECY

Mr. HARKIN. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from two treaties transmitted to the Senate today by the President:

The International Convention on Salvage, 1989 (Treaty Document No. 102–12); and

The International Telecommunication Regulations [Melbourne, 1988] (Treaty Document No. 102–13).

I also ask that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages to printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, the International Convention on Salvage, 1989, done at London April 28, 1989, and signed by the United States on March 29, 1990, subject to ratification. I also transmit, for the information of the Senate, the report of the Department of State with respect to the Convention.

This Convention is designed to promote sound environmental practices by commercial salvors and to strengthen the maritime transportation industries by ensuring that salvors receive adequate compensation. This Convention also incorporates the essential provisions of the Convention for the Unification of Certain Rules of Law with Respect to Assistance and Salvage at Sea, done at Brussels September 23, 1910 (27 Stat. 1658, TS 576, 1 Bevans 780), which it will replace for States Party to both Conventions to the extent their provisions are incompatible. The 1910 Convention reflects the traditional international admiralty principles that a salvor may be remunerated for salvage services only if successful, and the salvage reward is limited to the value of the property salved.

The 1989 Salvage Convention offers increased protection for the marine environment by requiring both the vessel owner and the salvor to use due care to protect the marine environment and permits the salvor to be rewarded for preventing or minimizing damage to the environment during salvage operations.

The United States played an active role in the development and negotiation of this Convention. The affected public sectors have been fully consulted. All recommend expeditious ratification of the Convention.

I recommend that the Senate give early and favorable consideration to the 1989 Salvage Convention, and give its advice and consent to ratification.

GEORGE BUSH.

THE WHITE HOUSE, *September 11, 1991.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the International Telecommunication Regulations, with appendices, signed at Melbourne on December 9, 1988, with a statement, including a reservation. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Regulations.

The International Telecommunication Regulations (Melbourne, 1988) replace the Telegraph Regulations and the Telephone Regulations (Geneva, 1973), to which the United States is a party.

The International Telecommunication Regulations provide suitably neutral and flexible guidelines for international telecommunication networks and services offered to the public. The Regulations are in the public and commercial interest of the United States.

The International Telecommunication Regulations entered into force on July 1, 1990, among states that have notified the Secretary General of the International Telecommunication Union of their adherence.

I believe that the United States should become a party to the International Telecommunication Regulations, and it is my hope that the Senate will take timely action on this matter and give its advice and consent to ratification.

GEORGE BUSH.

THE WHITE HOUSE, *September 11, 1991.*

CONDEMNATION OF VIOLENCE IN YUGOSLAVIA

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 176 now at the desk.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 176) to condemn the violence in Yugoslavia, to express Senate support for EC mediation efforts with respect to Yugoslavia and to urge the administration to raise this issue in Moscow at the CSCE meeting on the human dimension.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. PELL. Mr. President, during the time that Congress has been on recess, hundreds of people have been killed and wounded in the violence wracking Yugoslavia. Many of the war's victims have been innocent civilians caught in the crossfire of ethnic hatreds and a dictator's struggle to dominate the entire country.

The European Community, to its great credit, has attempted to broker a settlement between the warring groups: the democratic republic of Cro-

atia, which declared its independence in June; and the renegade Yugoslav Army. The Army is acting illegally without any control by federal authorities. It is, instead, responding only to Serbian President Slobodan Milosovic and Serbian nationalists in Croatia. The leaders of the Serbian republic are despots pressing an unacceptable agenda of creating a greater Serbia at the expense of other republics. Regrettably, cease-fire after cease-fire has been broken, and the violence continues.

Today, Senator DOLE and I are introducing a resolution that seeks to draw attention to the need to end the bitter conflict. The Bush administration has gone on record in condemning the violence—particularly the Serbian Government's sponsorship of the use of force in Croatia by Serbian militants and the Yugoslav military. Our resolution today calls upon the administration to condemn in the strongest manner possible the violence in Yugoslavia. In this regard, I believe that the Conference on Security and Cooperation in Europe [CSCE] meeting on the human dimension which convened yesterday in Moscow is a particularly good forum in which the United States could press this issue.

The resolution also urges the United States administration to apply to Yugoslavia the same five principles that Secretary Baker recently articulated with regard to the Soviet Union. These include support for democracy and the rule of law, the safeguarding of human rights, and especially, peaceful self-determination.

Finally, the resolution before us commends the European Community for its efforts to broker a settlement to the Yugoslav crisis. However, it also calls upon the EC to ensure that all the people of Yugoslavia are properly represented in the negotiations process. Presently, the EC peace conference does not include an appropriate representative of the Yugoslav Province of Kosova. The Serbian Government's inhumane treatment of the Albanian population in Kosova—and the need for an Albanian representative at the EC-sponsored talks—is another issue that the United States should raise with the Europeans at the CSCE conference in Moscow.

Mr. President, I urge that my colleagues support this resolution, and would urge the administration to take a more active approach in breaking the cycle of violence gripping Yugoslavia.

Mr. DOLE. Mr. President, I am here today to offer a resolution addressing the tragic crisis in Yugoslavia. The distinguished chairman of the Senate Foreign Relations Committee, Senator PELL, is joining me in sponsoring this important resolution.

I understand that it has been cleared on both sides.

Before we move forward with consideration of the resolution, I would like to review the situation in Yugoslavia.

While communism's stranglehold on the Soviet Union has virtually disappeared in a matter of weeks, communism's grip on Yugoslavia has strengthened; the signs are evident—from war-ravaged Croatia to brutally repressed Kosova.

Hardline Serbian President Slobodan Milosevic is using all means to advance his goal of a greater Serbia—but, it seems that his preferred method is force. With the help of extremist Serbian guerrillas and the Yugoslav Army, Milosevic is conducting an aggressive campaign of terror in Croatia, without regard for the lives of women and children, who are among the growing number of victims. In recent weeks, the Yugoslav Army and its militant Serb allies have added churches, hospitals, and elementary schools to the target list. It is hardly surprising that around 400 people have been killed in Croatia since that republic declared independence on June 25.

And, this could just be the beginning of the bloodshed. If the United States and Europe don't get a handle on the situation in Croatia soon, the violence will probably spread—the Province of Kosova is a tinderbox, as is the Republic of Bosnia-Hercegovina.

This is a tragedy, for I believe that the majority of people in Yugoslavia want peace—we have seen compelling photographs of mothers demonstrating in front of army installations in all of the republic capitals. Yes, it is clear that regardless of their ethnicity the majority of people want peace in Croatia and in the other republics and provinces. The problem is that Milosevic wants a piece of Croatia and the other republics and provinces.

Milosevic began his expansionist campaign by stripping the province of Kosova of its autonomy, in order to protect the Serbian minority. Then undeterred by the failed Yugoslav Army attack on Slovenia, Milosevic started to grab Croatian territory under the same guise of protecting the Serb minority in Croatia. Well, I expect that Bosnia-Hercegovina—which has an even larger Serb minority—is next on his list. And then perhaps Macedonia, by which time if he's successful, he won't even bother with any more excuses.

Yes, there is a history of ethnic and religious tensions in Yugoslavia, and there are legitimate grievances by the Serbian minority and other minorities who live in Croatia, Kosova, and other areas of Yugoslavia. But, real protection for minorities will not be achieved through war; real protection can only be achieved through the institutionalization of human rights and guarantees for minorities within a democracy. These new democratic republics in Yugoslavia, like all of the new democracies in Eastern Europe and the Soviet Union, will have to work seriously on this critical issue. What is certain is that Slobodan Milosevic can promise no improvement in human rights—there is no better evidence of that than Kosova, where 2 million Albanians have been living under martial law for almost 3 years; Albanians have lost their schools, their newspapers, their jobs, and some have even lost their lives. Only yesterday did Serbian security forces violently break up a demonstration organized by Albanian college professors and high school teachers in Pristina; one person was killed.

Last weekend, the European Community sponsored a peace conference on Yugoslavia, chaired by Lord Carrington—I commend the EC for its commitment to mediating the current crisis. But, while the Yugoslav republic leaders and central government representatives met with the European Community, the fighting in Croatia continued.

Unfortunately, this weekend did not seem to bring us any closer to peace or a resolution of the Yugoslav crisis. I must admit, at this point, I am pessimistic. War is in Milosevic's interest. He cannot grab chunks of Croatia and other republics—or, for that matter, maintain his hold on Kosova—without using more force.

Moreover, I am seriously concerned about the exclusion of the Albanians from the negotiating table. The Albanians are the third largest ethnic group in Yugoslavia—yet they are without a voice. Kosova was stripped of its autonomous status more than a year ago, then its assembly was shut down and then its representative to the Yugoslav Presidency was replaced with a Communist puppet. Milosevic might be able to get away with this in a Yugoslavia, but we can not let him get away with it at this peace conference. To do so would be morally wrong and politically stupid.

Without the full participation of the Albanians in a resolution of this crisis and an agreement on Yugoslavia's future, there will be no real and just solution. And, I fear that failure to bring Albanians into the peace process will guarantee violence and bloodshed in Kosova in the near future.

What should the United States do? First and foremost, America needs to demonstrate leadership. We need to advance the principles that Secretary Baker enunciated with respect to the Soviet Union, Specifically: Democracy, human rights, self-determination, respect of existing borders, and respect for international law and obligations.

To do so, we will need to get more involved—not just with respect to European mediation efforts, but with respect to the conduct of our diplomacy in the six republics and two provinces. The central government is practically without authority over anyone or any-

thing—yet most of our personnel are still centered in Belgrade, with the remainder in Zagreb. Our Embassy needs to send people out to all of the republics and to Kosova and Vojvodina so that we can have onsite assessments of the situation and direct contacts with the key players in these areas. The fate of Yugoslavia lies not in the hands of central Government officials and bureaucrats, but in the hands of the political leaders in each of the republics and provinces.

As part of such an effort to increase direct contacts, we must make it clear that the United States will only offer political support and economic assistance to democratic republic governments, and not to Communist governments. The United States needs to send a message, loud and clear, to Slobodan Milosevic and his Communist allies that the continued pursuit of a greater Serbia, and the continued repression of human rights will only lead to his total isolation from the United States. He will become the Castro of Europe—an island of desperate poverty in a sea of European prosperity.

Mr. President, I believe this resolution takes a firm stance against the use of force to resolve political differences in Yugoslavia. It condemns the actions of the Milosevic government, the Yugoslav Army, and the Serbian extremist guerrillas. It also supports EC mediation efforts, but urges that an Albanian representative from Kosova be fully included in the EC-sponsored peace conference on Yugoslavia. Finally, this resolution encourages the administration to use the Baker principles as the basis for a more activist policy toward Yugoslavia.

Mr. President, we need to send this message to the hardliners in Yugoslavia now, so I urge my colleagues to vote in favor of the resolution.

Mr. WARNER. Mr. President, I rise today as a cosponsor of the resolution submitted by Senators DOLE and PELL which condemns the violence in Yugoslavia and urges the Bush administration and the European Community to redouble their efforts to assist the Yugoslavs in finding a peaceful solution to the current crisis.

I had the opportunity to visit Yugoslavia in August of 1990 as part of a Senate delegation lead by the Republican leader. During the visit, the delegation spent several days in the Croatian capital of Zagreb. It is very disturbing to watch daily news reports which recount the death and destruction being suffered by the citizens of Croatia. Over 400 Croats have been killed and over 120,000 have been displaced since violence erupted in that Republic in June.

I am particularly disturbed by reports I have seen which indicate that the Yugoslav Army and the Serbian rebels are targeting the cultural heritage of the Croatian people. Thus far, dozens of churches have been destroyed; and in one very tragic case, the Yugoslav Army bombed a fortress which dates back to the Middle Ages in the Croatian town of Ilok. I deplore this senseless destruction of the rich history of Croatia.

I am hopeful that, under the auspices of the European Community, all of the parties to the conflict in Yugoslavia will be able to find a peaceful solution to the crisis in that nation.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (No. 176) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 176

Whereas, following the declaration of independence by the Republic of Slovenia on June 25, the conflict between the Yugoslav Army and the Slovenian Government and its citizens resulted in over 100 casualties before a settlement was reached on July 10 regarding the withdrawal of the Yugoslav Army;

Whereas, over 400 people have been killed in Croatia, including civilians, as a result of fighting that began after the Republic of Croatia declared its independence on June 25, 1991, and despite several attempted ceasefires;

Whereas, according to the Department of State and the European Community Ministers, the Serbian Republic leadership is actively supporting and encouraging the use of force in Croatia by Serbian militants and the Yugoslav military;

Whereas, according to the State Department and the European Community observers in Yugoslavia, the federal Yugoslav military units in Croatia have not been serving as an impartial guarantor of a cease-fire, but have been actively supporting local Serbian forces violating the cease-fire and causing loss of life to the citizens they are constitutionally bound to protect.

Whereas, the Republic of Serbia is continuing its brutal repression of the Albanian population in the Province of Kosova, which has been under martial law for more than 3 years;

Whereas, the European Community is actively engaged in efforts to observe and mediate the conflict in Croatia and convened a peace conference on September 7, 1991;

Whereas, the European Community sponsored peace conference on Yugoslavia does not include an Albanian representative from the Province of Kosova;

Whereas, continued violence and unrest in Yugoslavia will jeopardize the stability and security of Central Europe: Now, therefore, be it

Resolved, that

(1) The Senate condemns the policies of violent aggression perpetrated by Serbian President Slobodan Milosevic, the Yugoslav Army, and Serbian extremists guerrillas in Croatia;

(2) The Senate condemns the continuing and increasing repression against the Albanian population in the Province of Kosova;

(3) The Senate urges the administration to base its policy toward the six republics and two provinces of Yugoslavia on the Democratic principles enunciated by the Secretary of State on September 4, 1991, with respect to the Soviet Union;

(4) The deteriorating situation in Yugoslavia requires the United States to intensify efforts to resolve this crisis;

(5) The Senate commends the European community for its efforts to mediate the crisis in Yugoslavia;

(6) The Senate urges the European Community to fully include an Albanian representative from the Province of Kosova in the European Community-sponsored peace conference in order that a just and genuine settlement to the present crisis in Yugoslavia may be achieved and that potential violence in Kosova may be averted,

(7) The Senate calls on the administration to press for the including of an Albanian representative from the Province of Kosova in the EC Peace Conference; and

(8) The Senate urges the administration to raise the issue of Serbian Government-sponsored aggression against the Croatian Government and the citizens of the Republic of Croatia, as well as against the 2 million Albanians in the Province of Kosova, at the Conference on Security and Cooperation in Europe meeting on the human dimension which convened in Moscow on September 10, 1991.

Mr. HARKIN. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW

Mr. HARKIN. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:20 a.m.; that following the prayer, the Journal of proceedings by approved to date, and the time for the two leaders be reserved for their use later in the day; there be a period for morning business not to extend beyond 10:30 a.m. with Senators permitted to speak therein; during morning business, Senators BRADLEY, NUNN, and GORE be recognized to speak for up to 20 minutes each; that Senator SANFORD be recognized to speak for up to 10 minutes; and Senator D'AMATO for up to 5 minutes; further, that at 10:30 a.m., the Senate resume consideration of H.R. 2707, the Labor-Health and Human Services appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE CHAIR

The PRESIDING OFFICER. The Chair, pursuant to Executive Order 12131, as amended, signed by the President May 4, 1979, and extended by Executive Order 12692, signed by the President September 29, 1989, appoints the Senator from Montana, Mr. BAUCUS, to be President's Export Council.

RECESS UNTIL 9:20 A.M. TOMORROW

Mr. HARKIN. Mr. President, if there is no further business, I now ask unani-

mous consent that the Senate stand in recess as under the previous order until 9:20 a.m., Thursday, September 12.

There being no objection, the Senate, at 8:02 p.m., recessed until tomorrow, Thursday, September 12, 1991, at 9:20 a.m.

NOMINATIONS

Executive nominations received by the Senate September 11, 1991:

DEPARTMENT OF STATE

JOHN F. W. ROGERS, OF NEW YORK, TO BE UNDER SECRETARY OF STATE FOR MANAGEMENT, VICE IVAN SELIN.

ARNOLD LEE KANTER, OF VIRGINIA, TO BE UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS, VICE ROBERT MICHAEL KIMMITT.

EDWARD GIBSON LANPHER, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ZIMBABWE.

THOMAS MICHAEL TOLLIVER NILES, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN ASSISTANT SECRETARY OF STATE, VICE RAYMOND G. H. SEITZ.

EDWARD P. DJEREJIAN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE, VICE JOHN HUBERT KELLY.

DEPARTMENT OF EDUCATION

CAROLYNN REID-WALLACE, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY FOR POSTSECONDARY EDUCATION, DEPARTMENT OF EDUCATION, VICE LEONARD L. HAYNES, III, RESIGNED.

EXECUTIVE OFFICE OF THE PRESIDENT

DAVID F. BRADFORD, OF NEW JERSEY, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE RICHARD SCHMALENSEE, RESIGNED.

PAUL WONNACOTT, OF MARYLAND, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE JOHN B. TAYLOR, RESIGNED.

FEDERAL DEPOSIT INSURANCE CORPORATION

WILLIAM TAYLOR, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR THE TERM EXPIRING FEBRUARY 28, 1993, VICE L. WILLIAM SEIDMAN.

WILLIAM TAYLOR, OF ILLINOIS, TO BE CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM EXPIRING FEBRUARY 28, 1993, VICE L. WILLIAM SEIDMAN.

THE JUDICIARY

FRANKLIN S. VAN ANTWERPEN, OF PENNSYLVANIA, TO BE U.S. CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE A. LEON HIGGINBOTHAM, JR., RETIRED.

NANCY G. EDMUNDS, OF MICHIGAN, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN, VICE RICHARD F. SUHRHEINRICH, ELEVATED.

JOE B. MCDADE, OF ILLINOIS, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF ILLINOIS VICE A NEW POSITION CREATED BY PUBLIC LAW 101-650, APPROVED DECEMBER 1, 1990.

DAVID W. MCKEAGUE, OF MICHIGAN, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MICHIGAN, VICE DOUGLAS W. HILLMAN, RETIRED.

DEPARTMENT OF JUSTICE

JERRY G. CUNNINGHAM, OF TENNESSEE, TO BE U.S. ATTORNEY FOR THE EASTERN DISTRICT OF TENNESSEE FOR THE TERM OF 4 YEARS, VICE JOHN W. GILL, JR., TERM EXPIRED.

ENVIRONMENTAL PROTECTION AGENCY

HERBERT TATE, OF NEW JERSEY, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JAMES J. STROCK.

SMALL BUSINESS ADMINISTRATION

PAUL H. COOKSEY, OF VIRGINIA, TO BE DEPUTY ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION. (NEW POSITION)

NATIONAL CREDIT UNION ADMINISTRATION

SHIRLEE BOWNE, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR THE TERM OF 6 YEARS EXPIRING APRIL 10, 1997, VICE ELIZABETH FLORES BURKHART, RESIGNED.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

JOSE E. MARTINEZ, OF TEXAS, TO BE DIRECTOR OF THE TRADE AND DEVELOPMENT PROGRAM. (NEW POSITION)

IN THE AIR FORCE

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, 8373, AND 8374, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. MICHAEL ADAMS, xxx-xx-x... AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. GARY C. BLAIR xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. ALLEN C. PATE xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. DAVID L. QUINLAN xxx-xx-xx... AIR NATIONAL GUARD OF THE UNITED STATES.
BRIG. GEN. EDWARD V. RICHARDSON xxx-xx-xx... AIR NATIONAL GUARD OF THE UNITED STATES.

To be brigadier general

COL. EDMOND W. BOENISCH, JR., xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.
COL. STEFFEN P. CHRISTENSEN xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.
COL. DONALD DALTON, xxx-xx-x... AIR NATIONAL GUARD OF THE UNITED STATES.
COL. DAN E. DENNIS xxx-xx-x... AIR NATIONAL GUARD OF THE UNITED STATES.
COL. PETER L. DRAHN xxx-xx-xx... AIR NATIONAL GUARD OF THE UNITED STATES.
COL. WILLIAM D. LACKEY xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.
COL. JOHN M. LOTZ xxx-xx-xx... AIR NATIONAL GUARD OF THE UNITED STATES.
COL. ROBERTA V. MILLS xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.
COL. PAUL A. POCHMARA xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.
COL. ALAN T. REID xxx-xx-xx... AIR NATIONAL GUARD OF THE UNITED STATES.
COL. KENNETH L. ROSS xxx-xx-x... AIR NATIONAL GUARD OF THE UNITED STATES.
COL. MASON C. WHITNEY xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.
COL. GEORGE E. WYNN xxx-xx-x... AIR NATIONAL GUARD OF THE UNITED STATES.
COL. PHILLIP E. ZONGKER xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. CARMEN J. CAVEZZA xxx-xx-x... U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. CHARLES E. DOMINY xxx-xx-x... U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. NEAL T. JACO xxx-xx-x... U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. WILLIAM H. HARRISON xxx-xx-x... U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. CALVIN A.H. WALLER xxx-xx-x... U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS ASSISTANT JUDGE ADVOCATE GENERAL, U.S. ARMY AND FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE SECTION 3037:

To be assistant judge advocate general

To be major general

BRIG. GEN. ROBERT E. MURRAY xxx-xx-x... U.S. ARMY.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be permanent major general

BRIG. GEN. DAVID A. BRAMLETT xxx-xx-x... U.S. ARMY.
BRIG. GEN. RICHARD A. BEHRENHAUSEN xxx-xx-xx... U.S. ARMY.
BRIG. GEN. JOHN A. LEIDE xxx-xx-x... U.S. ARMY.
BRIG. GEN. ROBERT D. ORTON xxx-xx-x... U.S. ARMY.
BRIG. GEN. JAMES R. HARDING xxx-xx-x... U.S. ARMY.
BRIG. GEN. FREDERICK E. VOLLRATH xxx-xx-xxxx U.S. ARMY.
BRIG. GEN. RICHARD F. KELLER xxx-xx-x... U.S. ARMY.
BRIG. GEN. JOHN C. ELLERSON xxx-xx-x... U.S. ARMY.
BRIG. GEN. KENNETH R. WYKLE xxx-xx-x... U.S. ARMY.
BRIG. GEN. DAVID C. MEADE xxx-xx-x... U.S. ARMY.
BRIG. GEN. RONALD V. HITE xxx-xx-x... U.S. ARMY.
BRIG. GEN. THOMAS M. MONTGOMERY, xxx-xx-xxxx U.S. ARMY.
BRIG. GEN. DANIEL W. CHRISTMAN xxx-xx-x... U.S. ARMY.
BRIG. GEN. RICHARD E. DAVIS xxx-xx-x... U.S. ARMY.
BRIG. GEN. JAMES M. LYLE xxx-xx-x... U.S. ARMY.
BRIG. GEN. RICHARD G. LARSON xxx-xx-x... U.S. ARMY.
BRIG. GEN. JOHNNIE E. WILSON xxx-xx-x... U.S. ARMY.
BRIG. GEN. WILLIAM F. GARRISON xxx-xx-x... U.S. ARMY.
BRIG. GEN. DEWITT T. IRBY, JR. xxx-xx-xx... U.S. ARMY.
BRIG. GEN. THOMAS L. PRATHER, JR. xxx-xx-xxxx U.S. ARMY.
BRIG. GEN. JOHN G. COBURN xxx-xx-x... U.S. ARMY.
BRIG. GEN. JOHN H. LITTLE xxx-xx-x... U.S. ARMY.
BRIG. GEN. WILLIAM G. CARTER, III xxx-xx-xxxx U.S. ARMY.
BRIG. GEN. WESLEY K. CLARK xxx-xx-x... U.S. ARMY.
BRIG. GEN. WALTER H. YATES, JR. xxx-xx-xx... U.S. ARMY.
BRIG. GEN. HUBERT G. SMITH xxx-xx-x... U.S. ARMY.
BRIG. GEN. CHARLES W. MCCLAIN, JR., xxx-xx-xxxx U.S. ARMY.
BRIG. GEN. RICHARD E. BEALE, JR. xxx-xx-xx... U.S. ARMY.
BRIG. GEN. PAUL E. BLACKWELL xxx-xx-x... U.S. ARMY.
BRIG. GEN. ROBERT E. GRAY xxx-xx-x... U.S. ARMY.
BRIG. GEN. JARED L. BATES xxx-xx-xx... U.S. ARMY.
BRIG. GEN. RICHARD F. TIMMONS xxx-xx-xx... U.S. ARMY.

THE FOLLOWING-NAMED ARMY NURSE CORPS COMPETITIVE CATEGORY OFFICER FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624(C):

To be permanent brigadier general

COL. NANCY R. ADAMS xxx-xx-x... U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR PROMOTION IN THE JUDGE ADVOCATE GENERAL'S CORPS, U.S. ARMY, AND IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A), 624(C) AND 3037:

To be permanent brigadier general

COL. MICHAEL J. NARDOTTI, JR. xxx-xx-x... U.S. ARMY.

IN THE FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

WILLIAM CLARK, JR., OF THE DISTRICT OF COLUMBIA
EDWARD PETER DJEREJIAN, OF MARYLAND
CHARLES A. GILLESPIE, JR., OF CALIFORNIA
JOHN HUBERT KELLY, OF GEORGIA
STEPHEN J. LEDOGAR, OF CONNECTICUT
LANNON WALKER, OF MARYLAND

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

JOSEPH F. ACQUAVELLA, OF VIRGINIA
KENNETH B. BABCOCK, M.D., OF FLORIDA
JANE ELLEN BECKER, OF WISCONSIN
JOHN E. BENNETT, OF NEW HAMPSHIRE
ANN R. BERRY, OF KENTUCKY
JOHN S. BLODGETT, OF VIRGINIA
STEPHEN W. BUCK, OF CALIFORNIA
RAY L. CALDWELL, OF FLORIDA
MARY ANN CASEY, OF COLORADO
HENRY L. CLARKE, OF CALIFORNIA
LARRY COLBERT, OF OHIO
JOHN B. CRAIG, OF PENNSYLVANIA
RUTH A. DAVIS, OF CALIFORNIA
SHAUN EDWARD DONNELLY, OF MARYLAND
STEPHEN M. ECTON, OF CONNECTICUT
TOWNSEND B. FRIEDMAN, JR., OF ILLINOIS
EDWARD F. FUGIT, OF NEW JERSEY
DAVID N. GREENLEE, OF CALIFORNIA
MICHAEL J. HABIB, OF VIRGINIA
JOHN E. HALL, OF FLORIDA
RICHARD L. JACKSON, OF NEW YORK
JOHN M. JOYCE, OF COLORADO
JOHN P. JURECKY, OF ILLINOIS
DONALD B. KURSCH, OF NEW YORK
JOHN P. LEONARD, OF VIRGINIA
PHILIP THOMAS LINCOLN, JR., OF MICHIGAN
JAMES H. MADDEN, OF CALIFORNIA
CHARLES A. MAST, OF MARYLAND
RICHARD M. MILES, OF SOUTH CAROLINA
DONALD J. MCCONNELL, OF OHIO
WARREN P. NIXON, OF THE DISTRICT OF COLUMBIA
ROBERT M. PERITO, OF COLORADO
DONALD J. PLANTY, OF VIRGINIA
RONALD BENJAMIN RABENS, OF CALIFORNIA
WILLIAM CHRISTIE RAMSAY, OF MICHIGAN
WILLIAM EDWIN RYERSON, OF VIRGINIA
JOSEPH A SALOOM, III, OF VIRGINIA
TERENCE J. SHEA, OF FLORIDA
E. MICHAEL SOUTHWICK, OF CALIFORNIA

JOSEPH GERARD SULLIVAN, OF MASSACHUSETTS
JAMES W. SWIHART, JR., OF VIRGINIA
DAN E. TURNQUIST, OF WYOMING
CHARLES H. TWINING, JR., OF MARYLAND
THOMAS J. WAJDA, OF OHIO
JAMES DONALD WALSH, OF CALIFORNIA
FRANK P. WARDLAW, OF TEXAS
THOMAS GARY WESTON, OF MICHIGAN
KENT M. WIEDEMANN, OF CALIFORNIA
JAMES ALAN WILLIAMS, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT, AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

MANUEL F. ACOSTA, OF ARIZONA
RICHARD LEWIS BALTIMORE, III, OF NEW YORK
DONALD KEITH BANDLER, OF PENNSYLVANIA
VINCENT M. BATTLE, OF NEW YORK
JAMES E. BLANFORD, OF WYOMING
JOHN S. BOARDMAN, OF FLORIDA
VITTORIO A. BROD, OF MARYLAND
PRUDENCE BUSHNELL, OF VIRGINIA
WENDY CHAMBERLIN, OF VIRGINIA
J. MICHAEL CLEVERLEY, OF MARYLAND
LYNWOOD M. DENT, JR., OF VIRGINIA
JAMES MICHAEL DERHAM, OF CONNECTICUT
JOSEPH MICHAEL DETHOMAS, OF VIRGINIA
ROBERT SIDNEY DEUTSCH, OF VIRGINIA
MICHAEL BART FLAHERTY, OF COLORADO
TIMBERLAKE FOSTER, OF CALIFORNIA
C. LAWRENCE GREENWOOD, JR., OF CALIFORNIA
MARC I. GROSSMAN, OF VIRGINIA
JOHN RANDLE HAMILTON, OF VIRGINIA
EILEEN M. HEAPHY, OF CONNECTICUT
JUDITH M. HEIMANN, OF CONNECTICUT
MICHAEL JOSEPH HINTON, OF CALIFORNIA
SARAH R. HORSEY, OF CALIFORNIA
MORRIS N. HUGHES, JR., OF CALIFORNIA
EDMOND JAMES HULL, OF ILLINOIS
SANDRA NELSON HUMPHREY, OF THE DISTRICT OF COLUMBIA
WILLIAM H. ITOH, OF NEW MEXICO
HOWARD FRANKLIN JETER, OF SOUTH CAROLINA
RICAHRD H. JONES, OF VIRGINIA
CHARLES KARTMAN, OF VIRGINIA
JACQUES PAUL KLEIN, OF ILLINOIS
MICHAEL KLOSSON, OF MARYLAND
ROBERT J. KOTT, OF VIRGINIA
CHRISTOPHER J. LAFLEUR, OF NEW YORK
LYNNE FOLDESSY LAMBERT, OF PENNSYLVANIA
JOHN MICHAEL LEKSON, OF NEW MEXICO
MARISA R. LINO, OF OREGON
ALPHONSE LOPEZ, OF FLORIDA
THOMAS E. MACKLIN, JR., OF CALIFORNIA
MICHAEL W. MARINE, OF CONNECTICUT
G. EUGENE MARTIN, OF MARYLAND
THOMAS JOEL MILLER, OF ILLINOIS
MARK C. MINTON, OF FLORIDA
PHYLLIS ELLIOTT OAKLEY, OF LOUISIANA
CHARLES PARKER RIES, OF TEXAS
DANNY B. ROOT, OF CALIFORNIA
NANCY H. SAMBAIEW, OF TEXAS
JAMES F. SCHUMAKER, OF CALIFORNIA
KENNETH M. SCOTT, JR., OF VIRGINIA
RICHARD J. SHINNICK, OF NEW YORK
EMIL M. SKODON, OF ILLINOIS
TERRY R. SNELL, OF WASHINGTON
CHARLES L. STEPHAN, III, OF TEXAS
MARY ELIZABETH SWOPE, OF VIRGINIA
TAIN PENDLETON TOMPKINS, OF CALIFORNIA
JAMES R. VAN LANINGHAM, OF VIRGINIA
EARL A. WAYNE, OF CALIFORNIA
C. DAVID WELCH, OF CALIFORNIA
JOHN HURD WILLETT, OF NEW YORK
ARLEN RAY WILSON, OF WYOMING

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

PETER EDWARD BERGIN, OF MARYLAND
GARY D. BOBBITT, OF KENTUCKY
STEPHEN F. CUMMINGS, M.D., OF FLORIDA
ELWYN R. HASSE, OF WASHINGTON
EDWIN L. HIATT, OF GEORGIA
KENNETH A. LOFF, OF MONTANA
ROBERT PAUL O'BRIEN, OF VIRGINIA
RONALD AUBREY REAMS, OF VIRGINIA
THOMAS A. RODGERS, OF WASHINGTON

IN THE COAST GUARD

THE FOLLOWING OFFICERS OF THE U.S. COAST GUARD FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (LOWER HALF):

JAMES C. CARD ROGER T. RUFE, JR.

THE FOLLOWING OFFICERS OF THE U.S. COAST GUARD FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (LOWER HALF):

JOHN W. LOCKWOOD NORMAN T. SAUDERS

IN THE COAST GUARD

THE FOLLOWING REGULAR OFFICERS OF THE UNITED STATES COAST GUARD FOR PROMOTION TO THE GRADE OF COMMANDER:

JAMES E. WHITING
ANTHONY C. YAMADA
JOHN D. PENDEGRAFT
KEITH A. MOLL
JAMES W. JOHN
THOMAS P. TALBOT, JR.
DOUGLAS B. PERKINS
KEITH R. COLWELL
BRIAN V. HUNTER
ROBERT L. GAZLAY
DAVID G. DICKMAN
RANDALL W. FREITAS
JOHN P. AHERNE
GERALD M. DONOHOE
CHRISTOPHER E. DEWHIRST
JILL D. LOSH
KEITH L. RANDALL
TIMOTHY S. SULLIVAN
DAVID W. RYAN
MARK G. VANHAVERBEKE
JEFFREY A. FLORIN
PHILLIP A. FALLIS
JAMES SABO
JOHN L. BYCZEK
JOHN C. SIMPSON
PAUL C. ELLNER
FRANK J. GROSS
MARVIN J. PONTIFF
CRAIG R. BERRY
MICHAEL J. SMITH
JOHN R. BARRETT
WILLIAM C. BENNETT
WILLIAM L. JOHNSON
STEVEN A. NEWELL
CHRISTOPHER R. MARPLE
ARTHUR E. CUBBON, JR.
JOEL R. WHITEHEAD
DOUGLAS E. MARTIN
JAMES J. LOBER, JR.
JOHN E. CROWLEY, JR.
RICHARD A. ROOTH
TY G. WATERMAN
WILLIAM C. KESSENICH
WAYNE D. GUSMAN
LAWRENCE M. BROOKS
MICHAEL J. DEVINE
JONATHAN T. GUNVALSON
TIMOTHY E. TILGHMAN
JOHN J. DAVIN, JR.
RICHARD R. HOUCK
ROBERT M. SEGOVIS
ROLAND R. ISNOR
DAVID M. MOGAN
LARRY J. LOCKWOOD
BRUCE E. LEEK
RICHARD R. KOWALEWSKI
JAMES D. SPITZER
SALLY BRICE-O'HARA
ROBERT G. POND
RITA A. NESEL
GEORGE M. FLOOD
KENNETH W. KEANE, JR.
JAMES A. STAMM
PETER A. RICHARDSON
MELVILLE B. GUTTORMSEN
CHARLES A. TEANEY
FREDERICK R. WRIGHT
BRIAN N. DURHAM
THOMAS J. MARTIN
SCOTT J. OLIN
CHRISTOPHER J. SNYDER
RONALD L. WALTERS
CLAUDE H. HESSEL
PAUL D. LUPPERT
WILLIAM C. HALL
LEE W. ELLWEIN
LAWRENCE T. YARBROUGH
DAVID M. TUCKER
RONALD J. MORRIS
JAMES G. PARKER, II
RANDOLPH MEADE, III
WILLIAM P. CUMMINS
ANDREW J. MATTA
RONALD L. RUTLEDGE
BRUCE R. FRAIL
RICHARD A. BLAIS
ERIC N. FAGERHOLM
GEORGE R. MATTHEWS, JR.
GEOFFREY D. POWERS
ALAN H. MOORE, SR.
THEODORE C. LEFEUVRE
RICHARD R. KELLY
LAWRENCE J. BOWLING
GLENN W. ANDERSON
GARY S. SCHEER
FREDERIK A. NYHUIS, JR.
LOREN P. TSCHOHL
THEODORE L. MAR
THOMAS R. REILLY
MICHAEL D. ANDERSON
ALBERT R. STILES, JR.
ROBERT W. MCGARRY
JOHN J. JASKOT
JOHN A. GENTILE
THOMAS A. NIES
GERALD L. TIMPE
SURRAN D. DILKS
TERRENCE C. JULICH
JOHN M. KRUPA
JOHN C. MILLER
JAMES S. THOMAS, JR.
ROSS L. TUXHORN
JOSEPH A. HALSCH
STEPHEN M. JACOB
WAYNE R. BUCHANAN
PETER L. RANDALL
GLENN A. WILTSHIRE
JAMES E. EVANS
STEPHEN J. KRUPA
RICHARD D. POORE
JAMES W. DECKER
GLENN R. GUNN
WILLIAM W. PETERSON, JR.
JOHN H. OLTHUIS
SCOTT E. DAVIS
JAMES T. QUINN
MARK H. JOHNSON
JAY E. HESS
DOUGLAS S. TAGGART
GLENN E. GATELY
JAMES F. MURRAY
IVAN T. LUKE, JR.
ARTHUR H. HANSON, JR.
DAVID L. KUZANEK
MICHAEL K. GRIMES
JOHN R. THACKER
WILLIAM J. PETERSON, JR.
MICHAEL L. TAGG
JAMES R. MONGOLD
DAVID J. VISNESKI
TIMOTHY S. WINSLOW
THOMAS E. HAASE
GREGORY J. MACGARVA
JEFFREY A. MCDANNOLD
JAMES M. HASSELBALCH
WILLIAM L. BRYANT
ARN M. HEGGERS
JAMES W. STARK
THOMAS J. VANAK
JAMES P. HARMON
EDWARD A. LANE
JOHN ASTLEY, III
WILLIAM D. MORRIS
STANFORD W. DENO
GILBERT J. KANAZAWA
SCOTT J. GLOVER
RICHARD F. VIERA
KEVIN L. MARSHALL
STANLEY A. ZDUN, JR.
RAYMOND H. SMOYER, JR.
PAUL A. LANGLOIS
DENNIS J. SOBECK
DANIEL B. LLOYD
ELIAS J. MOUKAWSHER

THE FOLLOWING REGULAR AND RESERVE OFFICERS OF THE UNITED STATES COAST GUARD FOR PROMOTION TO THE GRADE OF LIEUTENANT COMMANDER:

DANIEL C. WHITING
MARK W. CERASALE
VICTOR L. TYBER
NEAL J. ARMSTRONG
ROBIN D. ORR
KEVIN L. MAEHLER
DAVID D. SKEWES
TIMOTHY V. SKUBY
PATRICK J. DIETRICH
WILLIAM A. DYSON
HOWARD N. VANHOUTEN
MARK A. TILFORD
KEITH L. PATTERSON
PAUL L. NEWMAN
JAMES S. CUMMING
GARY E. HIATT
HARRY E. HAYNES, III
JOSEPH F. RODRIGUEZ
CLARK D. FOWLER
DAVID J. REGAN
CHRISTOPHER K. LOCKWOOD
RONALD J. LOKITES
JONATHON P. BENVENUTO
JAMES A. MCEWEN
MICHAEL P. NERINO
TAMERA R. GOODWIN
JOANNE MCCAFFREY
DOUGLAS S. TAYLOR
JEAN M. BUTLER
FRANKLIN R. ALBERO
ROBERT A. BALL, JR.
GARY M. SMIALEK
ROBERT E. DAY, JR.
ROBERT E. ACKER
MICHAEL E. RABER
MICHAEL D. INMAN
SHARON W. FIJALKA
MONYEE T. KAZEK
AUSTIN F. CALLWOOD
STANLEY J. O'LOUGHLIN, II
RICHARD D. WRIGHT
STEVEN P. HOW
IAN GRUNTHER
ROBERT J. JONES
PATRICK W. BARNES
THOMAS S. ORZECH
RUSSELL D. KRULL
JEFFREY R. FREEMAN
FREDERICK D. PENDLETON
MAURICE K. JENKINS
DOUGLAS J. FLAMMANG
MARSHALL V. LOTT, III
MARK S. PALMQUIST
ADOLFO D. RAMIREZ, JR.
CHRISTIAN P. KISVARDAY
PETER M. KEANE
MICHAEL A. HOLINCHECK
DAVID A. ALBAUGH
BARRY L. DRAGON
BLAINE H. HOLLIS
JOHN A. CAMPBELL, JR.
JOHN C. WILLIAMS
DAVID L. JONES
DONALD MILLER
GREGG W. STEWART
MARK L. MCEWEN
JAMES R. HASSELMAN
STEPHEN D. AUSTIN
JAMES H. CANDEE
DEREK H. RIEKSTS
RICHARD S. MACINTYRE
PATRICK W. MURPHY
CHRIS OELSCHLEGEL
MICHAEL D. BRAND
THOMAS D. HOOPER
BARRY L. YOUNGBLOOD
DAVID W. VERMILLION
JOHN J. PITTMAN
JAMES D. BJOSTAD
MARK A. SKORDINSKI
KEVIN M. ROBB
JOHN C. EDGAR
MARGARET F. THURBER
BRUCE E. GRINNELL
LARRY J. CLARK
ROBERT L. KAYLOR
STEVEN H. WHITE
ROBERT M. O'BRIEN
PAUL A. FRANCIS
JOHN A. MCCARTHY
DONALD E. OUELLETTE
TERRENCE W. CARTER
NORVELL E. WICKER, IV
DAVALEE G. NORTON
JOE MATTINA, JR.
MICHAEL C. MCCLOUGHAN
SERGIO D. CERDA
MITCHELL D. WEST
ROBERT H. HAZELTON
CHARLES L. SMITH, JR.
PAUL W. LANGNER
EDWIN M. STANTON
STEVEN M. DOSS
STEPHEN C. NESEL
GAIL A. DONNELLY
ROGER H. DEROCHE
JOSEPH M. JACOBS
JAMES E. HOLBERT
DONALD K. STROTHER
GILBERT E. SENA
JAMES M. SELLERS
TIMOTHY P. POWERS
RAYMOND B. MARVEL, JR.
JOHN H. WIGGER
STANLEY M. DOUGLAS
MATTHEW B. CRAWLEY
WILLIE M. DUPRIEST, III
DOUGLAS A. MCCANN
JAY G. MANIK
JAMES C. HOWE
CHAD T. JASPER
JUDITH E. KEENE
PHILIP H. SULLIVAN
LANCE L. BARDO
ERIC B. BROWN
BRIAN K. SWANSON
DAVID W. KRANKING
JONATHAN S. KEENE
STEPHEN C. DUCA
DARRELL E. MILBURN
SCOTT L. KRAMMES
FRANCIS X. IRR, JR.
ROBERT J. MALKOWSKI
ROBERT A. FARMER
MICHAEL L. FISHER
BRAD J. SUCHANEK
BRIAN J. GOETTLER
RICHARD M. KASER
CHARLES W. RAY
KURTIS J. GUTH
STEPHEN J. MINUTOLO
GARY E. FELICETTI
GEORGE G. PRIVON
VIRGINIA K. HOLTZMAN-BELL
PATRICK J. MORAN
KEVIN B. RAHL
DANIEL A. LALIBERTE
MATTHEW M. BLIZARD
KURT W. DEVOE
RICHARD A. RENDON
ROBERT J. LEGIER
BRYAN D. SCHRODER
ROBERT E. KORROCH
JOHN W. YAGER, JR.
THOMAS P. OSTEBO
ROBERT M. LOESCH
MARSHALL B. LYTLE, III
LARRY J. RUDY
MARK A. PRESCOTT
THOMAS D. CRIMAN
KENNETH H. SHERWOOD
STEPHEN J. OHNSTAD
THOMAS A. GIGUERE
JOHN M. LANG, JR.
MARK S. GUILLORY
FRANK M. PASKEWICH, JR.
CAROL C. BENNETT
CRAIG A. KOHLER
PRESTON D. GIBSON
THOMAS J. ROGERS
THOMAS E. HOBAICA
DAVID L. HILL
MICHAEL F. RALL
DAVID S. STEVENSON
MICHAEL P. FARRELL
ERIC M. LINTON
CHRISTOPHER L. BRUENING
JAMES T. HUBBARD
RICHARD A. STANCHI
GEORGE P. VANCE, JR.
ANTHONY S. REYNOLDS
PETER K. OITTINEN
SCOTT S. GRAHAM
JAMES B. BECKHAM
ROBERT M. ATKIN
MARK R. DEVRIES
CHRISTINE D. BALBONI
KENNETH R. BURGESS, JR.
MARK D. RUTHERFORD
WARREN L. HASKOVEC
PAUL E. HANSEN
ORIE T. DAVIS
PATRICK B. TRAPP
JENNIFER L. YOUNT
RODERICK E. WALKER
DAVIS J. BELLIVEAU
THOMAS O. GRAHAM
DENNIS D. BLACKALL
MICHAEL L. THORNE
DAVID W. NEAL
SAMUEL E. JEFFRIES, JR.
BARRY P. SMITH
BRADLEY R. MOZEE
THEODORE A. BULL
ANTHONY J. KOVAC
WILLIAM D. LEE
RICHARD J. FERRARO
BILLY E. ERICKSON, JR.
TIMOTHY F. MANN
DANIEL D. LARSON
JOHN R. LINDLEY, JR.
JOHN S. EVE
RICHARD L. MATTERS
DONALD R. LINCOLN
CHARLES M. COLLINS
GARY A. MASSEY
ROBERT R. O'BRIEN, JR.
DAVID M. RISHAR
CHARLES J. ALBANO, JR.
DREW R. WOJTANIK
EKUNDAYO G. FAUX
SCOTT G. WOOLMAN
DAVID L. BALTHAZOR
DOUGLAS L. TURK
GARY M. ALEXANDER
DAVID L. LERSCH
WILLIAM W. WHITSON, JR.
RICKI G. BENSON
LARRY E. SMITH
KENT R. YOUEL
MELESIO GONZALEZ
NORMAN L. CUSTARD, JR.
GREGORY B. BREITHAUPT
STEVEN E. VANDERPLAS
FREDERICK J. KENNEY, JR.
STEVEN J. BOYLE
TIMOTHY J. DELLOT
JOHN E. HAUTALA
THOMAS K. RICHEY
BRUCE D. BLACKMAN
DAVID A. HOFFMAN
DAVID W. LEDFORD
GARY BLOKLAND
GREGORY R. HAACK
ROBERT D. ENGILES
DAVID M. GUNDERSEN
MARK A. JOHNSON
RANDY B. STROBRIDGE
JEFFREY N. GARDEN
RICHARD W. WEIGAND
JAMES E. TUNSTALL
KEVIN G. QUIGLEY
JOHN W. FARTHING
MARK P. O'MALLEY
JOHN R. OCHS
RONALD D. HASSLER
KENNETH D. FORSLUND
THOMAS ZAPATA
DENNIS M. SENS
PETER V. NEFFENGER
ALVIN M. COYLE

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD OF THE PERMANENT COMMISSIONED TEACHING STAFF OF THE COAST GUARD ACADEMY FOR

PROMOTION TO THE GRADE OF LIEUTENANT COMMANDER:

KURT J. COLELLA
ROBERT C. ALBRIGHT, II

THE FOLLOWING REGULAR AND RESERVE OFFICERS OF THE U.S. COAST GUARD ARE NOMINATED TO BE PERMANENT COMMISSIONED OFFICERS IN THE GRADES INDICATED:

To be lieutenant

ROBERT B. BURRIS
PHILLIP F. DOLIN
TRACY L. DUNN
ANNE L. BURKHARDT
ALLEN B. CLEVELAND
EDDIE JACKSON, III
MARC C. PERKINS
WYMAN W. BRIGGS
WILLIAM H. OLIVER, II
ROBERT E. DAVENPORT, II
RICHARDO RODRIGUEZ
JANIS E. NAGY
ERIC A. GUSTAFSON

To be lieutenant (junior grade)

SAMUEL L. HART
C. DAVID WEIMER
GENE W. ADGATE
BRIAN R. LINCOLN
GEORGE A. ELDREDGE
DONNA A. KUEBLER
SCOTT E. DOUGLASS
GARY T. CROOT
JOHN S. KENYON
WEBSTER D. BALDING

IN THE AIR FORCE

THE FOLLOWING NAMED ASTRONAUT OF THE AIR FORCE FOR PERMANENT APPOINTMENT TO THE GRADE OF COLONEL UNDER ARTICLE II, SECTION 2, CLAUSE 2 OF THE CONSTITUTION.

LT. COL. SIDNEY M. GUTIERREZ xxx-xx-x...

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED.

MEDICAL CORPS

To be colonel

DONALD L. MAPES xxx-xx-x...
STEPHEN T. POWELL xxx-xx-x...
JAMES D. STEVENSON xxx-xx-x...
MARSHALL R. WILLIS xxx-xx-x...

To be lieutenant colonel

THOMAS N. BEACH xxx-xx-x...
JUDITY A. VARNAU xxx-xx-x...

To be Major

JOSEPH DEL J. DYK xxx-xx-xx...
RANDALL L. HAMRIC xxx-xx-x...
JODI L. SISKIN xxx-xx-x...

THE FOLLOWING INDIVIDUALS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE, IN GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 593, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067, TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be colonel

CARL W. GRAVES xxx-xx-x...
SYLVAN H. RIKER xxx-xx-x...

To be lieutenant colonel

OBIE T. ATKINSON xxx-xx-x...
FRANK C. COOPER xxx-xx-x...
DONALD E. COURTS xxx-xx-x...
EVANGELINE M. GARCIA xxx-xx-x...
PAUL A. HEIDEL xxx-xx-x...
LARRY H. ISAKSON xxx-xx-x...
STEPHEN J. SHARP xxx-xx-x...
LOWRY C. SHROPSHIRE xxx-xx-x...
SEYMOUR J. STIFEL xxx-xx-x...
ROOSEVELT WATSON xxx-xx-x...

NURSE CORPS

To be lieutenant colonel

WILLARD P. GOWDY xxx-xx-x...

THE FOLLOWING AIR FORCE OFFICERS FOR PERMANENT PROMOTION IN THE UNITED STATES AIR FORCE, IN ACCORDANCE WITH TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 1552, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be major

JOHN M. FLAMM xxx-xx-x...
KENNETH D. SCOTT xxx-xx-x...

THE FOLLOWING NAMED OFFICER FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

CHAPLAIN CORPS

To be colonel

BRADFORD L. RIZA xxx-xx-x...

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISION OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED, PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

CHAPLAIN

To be captain

WALTER E. COCHRAN xxx-xx-x...

JUDGE ADVOCATE

To be captain

KURT D SCHUMAN xxx-xx-x...

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. JAMES W. BAILEY xxx-xx-x... 5/5/91
MAJ. JAMES D. BAKER xxx-xx-x... 4/13/91
MAJ. MARC W. BARBER xxx-xx-x... 5/4/91
MAJ. MARC T. BERNARD xxx-xx-x... 5/24/91
MAJ. JOHN A. BOGGS xxx-xx-x... 5/15/91
MAJ. BRADLEY H. COPELAND xxx-xx-x... 5/9/91
MAJ. CARL H. DAHLIN JR. xxx-xx-x... 5/8/91
MAJ. COLEMAN D. HAMM JR. xxx-xx-x... 3/15/91
MAJ. PAUL G. LOTAKIS JR. xxx-xx-x... 5/5/91
MAJ. RICHARD W. MORRISON xxx-xx-x... 5/11/91
MAJ. MICHAEL F. RICHARD xxx-xx-x... 5/21/91
MAJ. HENRY C. RIMMER JR. xxx-xx-x... 5/24/91
MAJ. JACK F. SCROGGS xxx-xx-x... 5/5/91
MAJ. CRAIG E. SNOW xxx-xx-x... 4/17/91
MAJ. JOHN T. STORY xxx-xx-x... 4/17/91
MAJ. THOMAS W. WAGNER xxx-xx-x... 5/4/91

JUDGE ADVOCATE GENERALS DEPARTMENT

To be lieutenant colonel

MAJ. EDWIN A. OESER xxx-xx-x... 5/7/91

CHAPLIN CORPS

To be lieutenant colonel

MAJ. PAUL AIELLO JR. xxx-xx-x... 4/19/91

BIOMEDICAL SCIENCES CORPS

To be lieutenant colonel

MAJ. GREGORY J. DANHOFF xxx-xx-x... 5/5/91

MEDICAL CORPS

To be lieutenant colonel

MAJ. JOSE D. CASTILLO xxx-xx-x... 5/15/91
MAJ. HARRY J. HECK III xxx-xx-x... 3/28/91
MAJ. WILLIAM J. LONG xxx-xx-x... 5/5/91
MAJ. JOHN D. OWEN xxx-xx-x... 4/30/91
MAJ. WILLIAM J. WALTERS xxx-xx-x... 2/11/91

DENTAL CORPS

To be lieutenant colonel

MAJ. RICHARD F. HETTINGER xxx-xx-x... 5/5/91

THE FOLLOWING AIR NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. JOHN L. BAKER xxx-xx-x... 5/30/91
MAJ. JOHN G. FILIOS xxx-xx-x... 4/21/91
MAJ. MICHAEL W. FRANK xxx-xx-x... 6/4/91
MAJ. BRUCE F. KROEHL xxx-xx-x... 6/3/91
MAJ. ROBERT J. LOWE, JR. xxx-xx-x... 6/A13/91
MAJ. JAMES D. MARKUM xxx-xx-x... 6/3/91
MAJ. JAMES S. MCCLURE xxx-xx-x... 5/25/91
MAJ. ROGER C. NYBERG xxx-xx-x... 5/8/91
MAJ. THOMAS J. POWER xxx-xx-x... 6/21/91
MAJ. BOBBY F. RIVERS xxx-xx-x... 5/28/91
MAJ. SALLY A. SHEAFFER xxx-xx-x... 5/3/91
MAJ. SAMMUEL M. SHIVER xxx-xx-x... 5/28/91
MAJ. IRENE L.C. TAYLOR xxx-xx-x... 6/1/91
MAJ. CARL J. THOMAE xxx-xx-x... 6/8/91

BIOMEDICAL SCIENCES CORPS

To be lieutenant colonel

MAJ. GLENN W. PASSAVANT xxx-xx-x... 6/12/91

MEDICAL CORPS

To be lieutenant colonel

MAJ. JOHN H. BABSON xxx-xx-x... 5/8/91
MAJ. STEVEN D. KNIGHT xxx-xx-x... 5/2/91
MAJ. PHILIP H. WELLS xxx-xx-x... 5/19/91

NURSE CORPS

To be lieutenant colonel

MAJ. JILL G. HERTEL xxx-xx-x... 6/8/91

DENTAL CORPS

To be lieutenant colonel

MAJ. JAMES L. BARBER xxx-xx-x... 6/8/91
MAJ. THOMAS S. TUCKER xxx-xx-x... 5/21/91

THE FOLLOWING NAMED OFFICERS FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be lieutenant colonel

LOUIS M. AYERS, JR. xxx-xx-x...
JOHN F. FOX xxx-xx-x...
JOHN D. PETRILLA xxx-xx-x...
GERARD W. TRAVERS xxx-xx-x...

To be Major

JOHN C. HUNTZINGER, JR. xxx-xx-x...
ANASTACIO A. LAMBARIA xxx-xx-x...
KAREN L. MCCLIMON xxx-xx-x...

JUDGE ADVOCATE

To be lieutenant colonel

JERALD W. JACKSON xxx-xx-x...
NORMAN F. NIVENS xxx-xx-x...
JAMES G. VANNESS xxx-xx-x...
CARL J. WINBAUER xxx-xx-x...

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED, PROVIDED THAT IN NO CASE SHALL THE OFFICER BE APPOINTED IN A GRADE HIGHER THEN INDICATED.

JUDGE ADVOCATE

To be captain

CHARLES P. KIELKOPF xxx-xx-x...

IN THE AIR FORCE

THE FOLLOWING U.S. AIR FORCE RESERVE OFFICERS TRAINING CORPS GRADUATES, FOR APPOINTMENT IN THE REGULAR AIR FORCE IN THE GRADE OF SECOND LIEUTENANT UNDER THE PROVISIONS OF TITLE 10. UNITED STATES CODE, SECTION 531, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

ANDREW J ADAMS xxx-xx-x...
PHIL M AKE xxx-xx-x...
JOHN G ALLEN xxx-xx-x...
JAMES B ALLEN xxx-xx-x...
JOHN J ALLEN xxx-xx-x...
VICTORIA L AMBUEHL xxx-xx-x...
KENNETH J AMMON xxx-xx-x...
WENDY J AMTMANN xxx-xx-x...
JOHN D ANDERSON xxx-xx-x...
DONALD G AXLUND xxx-xx-x...
RAYMOND M BAESLER xxx-xx-x...
RICHARD L BAIRETT, JR xxx-xx-x...
MATTHEW A BARKER xxx-xx-x...
DOUGLAS W BARTZ xxx-xx-...
LINDA M BATE xxx-xx-x...
ROBERT A BEALE xxx-xx-x...
CHRISTOPHER J BECKMAN xxx-xx-x...
TIMOTHY A BERNETT xxx-xx-x...
ROBERT N BEYERLY xxx-xx-x...
STEVEN W BIGGS xxx-xx-x...
DANIEL F BILES xxx-xx-x...
NICOLLE L BOHAYCHYK xxx-xx-x...
RICHARD H BOUTWELL xxx-xx-x...
JAMES E BOWEN, JR xxx-xx-x...
BRETT L BOWERS xxx-xx-x...
SOLOMON E BOXX xxx-xx-x...
KIP A BOYLE xxx-xx-x...
KIM BRAEUNINGER xxx-xx-x...
EDWARD S BREWER xxx-xx-x...
ANTHONY T BROWN xxx-xx-x...
ROSADO AUGUSTUS A BRUNO, JR xxx-xx-x...
BRETT M BURAS xxx-xx-x...
WILLIAM T BURKE xxx-xx-x...
RUSSEL A BURLESON xxx-xx-x...
PETER CALLAMARI xxx-xx-x...
CHRISTINE K CAMBELL xxx-xx-x...
WILLIAM B I CAMBELL, II xxx-xx-x...
EUGENE L CAPONE xxx-xx-x...
PETER L CARRABBA xxx-xx-x...
SHANNON W CAUDILL xxx-xx-x...
FIONA A CHRISTIANSON xxx-xx-x...
THEODORE A COINER xxx-xx-x...
RONALD B COLE xxx-xx-x...
JENNIFER L CONLIN xxx-xx-x...
BARRY S COOPER xxx-xx-x...
WALTER F COPPERSMITH xxx-xx-x...
WILLIAM J COULSTON xxx-xx-x...
JON E COUNSEL xxx-xx-x...
TIMOTHY W CUNNINGHAM xxx-xx-x...
MEGAN CURRAN xxx-xx-x...

AUDREY S CYZICK, 297-80-0364
MATTHEW M DARPEL, 406-04-3582
ROBIN L DAUGHERTY, 428-23-5870
BRYAN A DAVIS, 286-78-3897
ERIC J DAWSON, 551-55-9154
MICHAEL L DAWSON, 246-61-7117
MARCELINO E DELROSARIO, JR., 113-54-5688
JOSEPH F DEMAY, JR, 372-84-5162
DARREN J DEMERS, 034-46-2541
JAMES B DENSON, 421-04-0994
JOHN L DICKMANN, 527-79-5407
JOHN A DIETRICK, 424-08-0282
KIVIN D DIXON, 500-86-8044
TRAVIS D DIXON, 421-21-5519
DAVID T DOMINGUE, 434-17-9039
CHRISTOPHER S DONAHOE, 462-08-1242
ERIC E DUBE, 002-66-0341
ALLAN T DUFFIN, 224-17-6413
SHANE C DUGUAY, 009-50-1891
PATRICIA R DUNN, 402-04-4704
DAVID S EDWARDS, 543-86-6656
JUDITH L EDWARDS, 247-47-6918
MATTHEW W EVANS, 538-84-8322
ERIC J FELT, 523-37-9786
JOSEPH P FINOTTI, 279-62-1015
MARK P FITZGERALD, 527-51-2253
DAVID A FLIPPO, 250-33-9733
JEAN M FLYNN, 494-68-4945
ERIC N FORSYTH, 480-02-3383
ELIZABETH A FOYEN, 501-84-1354
JOSEPH E FRANCOEUR, 001-68-8057
CHRISTOPHER T FRANKENBERGER, 061-66-6883
FREDERICK W FRENCH, 524-74-7163
DAVID S GARDNER, 459-57-4371
FRANK M GASCA, 462-51-6724
GREGORY P GILBREATH, 563-37-8184
ADIENNE GLENWRIGHT, 165-62-3877
BECKY S GLOVER, 536-68-6327
MICHAEL L GOODIN, 491-68-6117
ERIC M GRABOWSKI, 536-90-8018
PAUL D GREENLEE, 531-96-7701
LEWIS H GRIFFIN, JR, 042-76-0006
STEPHEN GROLL, 525-04-0387
JOHN B GROSS, 428-39-4477
SCOTT M GUILBEAULT, 013-58-5935
JASON W GUY, 453-71-4383
DARREN B HALFORD, 529-39-6449
JUSTIN W HALL, 536-94-1803
DAVID S HANSON, 526-67-6347
CHISTOPHER L HARBEN, 286-60-8626
LANCE G HARDY, 419-08-4034
PAUL A T HARIS, 204-56-2863
RANDY L HARMER, 546-51-4275
SCOTT A HASKETT, 522-92-3685
SUNG M HATFIELD, 236-08-3575
TIMOTHY D HAUGH, 182-50-5791
JOHN W HENDERSON, 553-63-1321
STEPHEN J HICKEY, 280-54-0035
ANDREA L HLOSEK, 575-06-9227
CHRISTOPHER T HOLINGER, 007-66-0206
FRANKLIN C HOWARD, 160-54-4087
JULIE L HUFF, 570-51-7243
JEFFREY H HURLBERT, 504-96-0323
CHERYL L HURLEY, 370-92-8367
CHRISTOPHER J J IRELAND, 227-17-0865
DAVID R IVERSON, 223-23-6723
WILLIAM G JAMES, 600-28-5158
JEFFREY J JERABEK, 054-54-6958
MARK S JERNIGAN, 412-06-9204
KIMBERLY A JOHNSON, 223-15-3050
SHANNON L C JOHNSON, 457-57-7274
LANCE M JOHNSTON, 528-41-8014
VALERIE A JOHNSTON, 006-62-0704
STEPHEN D KELLEY, 025-64-5179
THERESA A KELLY, 427-49-0653
LANCE A KILDRON, 574-22-5193
DAVID A KIRKENDALL, 011-66-8121
THOMAS D KIRK, 430-35-6015
ALAN J KITE, 499-76-1336
MICHAEL R KNOWLES, 237-02-2047
WAYNE H KODAMA, 576-80-5327
TODD C KRUEGER, 540-02-2298
HEATHER E KUSHIN, 103-64-9064
DEBORAH S LAMBERT, 455-37-3101
SALLY A LANDRUM, 555-79-3727
FRANK D LANE, 541-04-4766
MICHAEL S LANG, 506-96-8327
REID M LANGDON, 239-23-6151
DEBORAH L LASOCKI, 531-70-4999
DAVID S LATOUR, 592-07-0764
ROGELIO L LAWSIN, 247-61-5002
MARK C LAXTON, 539-88-5391
ROBERT J LEVIN, JR, 556-83-8101
ALLEN K LICHVAR, 207-62-3580
CHRISTOPHER P LIENESCH, 517-98-0093
WILLIAM JOHN LIQUORI, JR, 019-54-1401
LIDA M LISOWE, 531-74-7490
PATRICK C LOFY, 566-57-6690
RONALD M LUEB, 577-04-9819
KEITH G MACDONALD, 274-56-2566
CARL J MAGNUSSON, 441-70-4720
MARK T MAIN, 258-35-6685
CONRAD P MASSHARDT, 390-58-8884
ALTON L MCCORMICK, 527-93-9202
SEAN P MCGLYNN, 592-24-3805
SEAN A MCLEAN, 515-58-7705
LONNY F MERLAK, 332-64-1976
MICHAEL G MESSER, 027-52-7075
PAUL K MIKEAL, 290-64-8591
JOHN C MILLARD, 231-92-3122
PAUL T MILLHOUSE, 251-06-8651
MICHAEL S MILNER, 262-23-0851
MICHELE A MINER, 124-64-0417
JAMES F MURPHY, 442-68-8985
STEVEN A MYS, 377-90-7638
STEPHEN J NAFTANEL, 464-29-1248
DANIEL T NAUGHTON, 295-70-4903
WILLIAM B NORRIS, 535-90-5711
COREY C OLSEN, 396-92-2265
BRIAN PATRICK OLSON, 471-94-3252
SHARON F ORLANDO, 404-04-7984
MICHAEL J PASSAFIUME, 268-80-9353
GILBERTO PATINO, 426-04-8065
AMY M PATRIN, 469-02-6725
SCOTT D PAULEY, 480-80-0110
HEIDI A PAULSON, 336-72-9217
TIMOTHY J PETTIT, 073-44-4104
MATTHEW T PHILLIPS, 451-43-8523
TERRY W PHILLIPS, 254-29-7740
HEATHER M PIERSON, 217-04-3272
DANIEL J POTAS, 572-81-7833
MICHAEL I PROTZ, II, 186-58-0956
DAVID F RADOMSKI, 196-56-6118
MARC E RAINBOW, 265-67-0725
MARIA C RANDOLPH, 229-33-4551
LAWRENCE A RITTER, 145-58-7154
JOHN F ROBINSON, 245-88-2855
GARY E ROSE, 230-27-7415
JOHN E RUSSI, JR, 044-48-5247
GARY L SALMANS, 585-35-7554
MARIA N SANDERS, 566-23-4648
SHIRLENE D SANTIAGO, 575-98-7824
ANNA L SANTOS DE DIOS, 265-23-2796
CHRISTIAAN P SARTAIN, 449-63-4211
GERALD E I SASSER, II, 424-17-9593
JOHN A SAUNDERS, 251-53-2109
MICHAEL D SCHADER, 021-58-7250
JENNIFER C SEEBODE, 249-37-6429
MICHAEL R SEILER, 448-72-1727
PAUL K SHADLE, 296-54-1820
AMY T SHALIKASHVILI, 165-60-9876
BRIAN S SHANNON, 222-42-0741
DONALD G SHANNON, 188-58-0684
CHRISTOPHER R SIMPSON, 227-90-5607
ROBERT M SKELTON, JR, 256-51-7251
JOHN R SLOAN, 349-54-9919
JEFFREY R SMITH, 573-84-7201
JOHN P SMITH, 563-23-1038
RUSSELL J SMITH, 522-25-7500
JEFFREY C SOBEL, 234-19-1458
GERARD P SOBNOSKY, 279-76-4433
KIRK B STABLER, 326-66-8032
DARRELL C STEELE, 245-25-6358
CAROLYN A STICKELL, 528-29-3194
SUZANNE STOLTZ, 202-60-1038
DOUGLAS A STOUFFER, 202-48-3953
WILLIAM B STURGIS, 402-13-8561
IVAN SUDAC, 105-64-0704
DAVID J SULLIVAN, 472-74-0488
PAUL SUTHERLAND, 172-52-5990
SHANNON R SWEENY, 506-88-8982
ROBERT E SWERTFAGER, 553-75-7312
DANIEL B TALATI, 314-82-1021
TARA E THIESSEN, 045-50-5224
KELLY P THURLOW, 417-76-9387
BRIAN A TOM, 554-96-6466
STEPHON J TONKO, 468-82-4478
NICOLE C TROTTER, 136-78-0096
MICHAEL D TYYNISMAA, 237-13-8720
WILLIAM M UHLMEYER, 362-70-9045
SUSAN J. ULRICH, 223-25-1855
RICHARD A VAIA, 208-52-1144
BRYAN A WEEKS, 532-88-9307
DONALD J WHITEHEAD, 502-90-8977
MICHAEL E WILLIAMS, 506-80-9159
ROBERT P WINKLER, 546-90-0721
ROBERT E WINTERS, JR, 207-48-5963
DAWN M WOLFE, 188-56-3123
MICHAEL E WORDEN, 005-82-2872
MICHAEL P WORKMAN, 273-74-3905
KELLY D WORSHAM, 256-31-5823
CHANTELL J WYLAND, 572-75-4400
RANDY YOVANOVICH, 585-49-2888
LYNN A ZEMAN, 270-76-7671
CARLOS R ZENDEJAS, 461-41-4139

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICERS IDENTIFIED WITH AN ASTERISK ARE NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE.

ARMY

To be colonel

WILLIAM C. OHL, II, 146-36-3975

To be major

MARK S. BUJNO, 213-66-0060
*ALBERT GONZALEZ-CASTRO, 064-54-8311
*BRENDA J. MATTHEWS, 436-06-3651
BARRY L. SWAIN, 429-96-0471
RICHARD A. WAGNER, JR., 112-48-9410
WILLIAM H. PHELPS, 432-15-6451

MEDICAL CORPS

To be lieutenant colonel

*DAN W. BOLTON, 513-46-1172

To be major

*SHERMAN DUNN, JR., 123-48-3243
*ANITA I. CHANG, 513-72-5701
*FLETCHER F. MILLER, 512-58-3122
*EMIL A. STEIN, 575-66-1233

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE U.S. OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A); AND 3385:

ARMY PROMOTION LIST

To be colonel

CHARLES W. ANDRES, 475-50-6287
LARRY L. ARNETT, 400-72-9771
STEVEN J. BAUER, 387-34-7673
ROBERT L. BODE, 468-50-9451
BRUCE R. BODIN, 475-54-7436
DAVID K. GERMAIN, 527-78-4847
LARRY H. GINGRICH, 449-72-1697
BOBBY D. GRAY, 441-44-5233
HENRY S. KIMBROGH, 430-64-2792
CLAUDE A. NIX, 421-50-1860
CHARLES O. RICE, 412-64-6650
RAYMOND B. SCOTT, 414-50-2438
JIMMY D. SHERIFF, 247-66-4255

CHAPLAIN CORPS

To be colonel

RUFUS H. MOORE, 410-56-1239

MEDICAL SERVICE CORPS

To be colonel

JULIAN C. BOMAR, 426-64-9401
RICHARD L. MAUGHAN, 529-50-9855
LOUIS POMERANTZ, 125-36-4692

ARMY PROMOTION LIST

To be lieutenant colonel

KEITH E. AAKRE, 475-54-4641
WILLIAM L. ADAMS 478-54-3852
DOYLE W. BOGGS, 248-88-2415
MICHAEL C. BROOME, 253-76-7187
JAMES M. CALDWELL, 541-60-3973
JEFFREY B. CALHOON, 546-84-1087
RICHARD R. COLSON, 265-80-0294
JOHN B. DRISCOLL, 516-54-9370
NICHOLAS FLETCHER, 256-82-9899
PAUL F. HANNEMANN, 459-78-1056
OSCAR B. HILMAN, 586-05-6837
ANTONIO F. HOLLAND, 022-32-3560
THOMAS A. JOHNSON, 320-42-6542
JAMES S. KNEECE, 515-42-7498
JAMES W. NUTTALL, 038-30-3643
RICHARD J. PETRONIS, 454-70-3227
JOHN W. SCHMIDT, 369-48-2904
RICHARD I. TAYLOR, III, 153-40-3501
RIGOBERTO TORRES-FERNANDEZ, 584-07-0996
RANDALL A. YORK, 445-48-4356

CHAPLAIN CORPS

To be lieutenant colonel

DAVID W. HOCHENSMITH, JR., 488-56-5006

JUDGE ADVOCATE GENERAL CORPS

To be lieutenant colonel

DANNY R. BRADLEY, 409-80-0965
RICHARD G. MAXON, 526-98-0268

MEDICAL CORPS

To be lieutenant colonel

VASANT L. GARDE, 247-04-8395

MEDICAL SERVICE CORPS

To be lieutenant colonel

CAROLE A. BRISCOE, 214-42-8823
CYNTHIA TRUJILLO, 524-74-4272

THE FOLLOWING-NAMED INDIVIDUALS FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10 UNITED STATES CODE, SECTIONS 593(A), 594, AND 3353:

DENTAL CORPS

To be colonel

ROBERT D. JORDAN, 354-40-3558

DENTAL CORPS

To be lieutenant colonel

DANIEL J. REESE, 316-50-4217
LINDA L. SMITH, 311-54-9787

MEDICAL CORPS

To be colonel

MERLIN G. ANDERSON, JR., 413-56-9057
EDWARD S. SCHWARTZ, 053-34-3091

MEDICAL CORPS

To be lieutenant colonel

JAMES D. KEENAN, 512-30-8948
ROBERT S. KLEPATZ, 366-50-7473
PETER P. LAWLOR, 008-22-3311
ROBERT E. LEWIS, 487-44-1649

JOSEPH S. MARTIN, 190-24-6501
FRANK B. MILLER, 305-44-6095
AYLIN RADOMISLI, 052-50-8125
GERALD P. RUDD, 512-50-2999

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER AS INDICATED, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 628, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

MEDICAL CORPS

To be commander

DAVID M. HARLIN
DAVID LEIVERS

THE FOLLOWING NAMED ARMY CADET TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 541:

MATTHEW A. LISOWSKI

THE FOLLOWING NAMED NAVAL RESERVE OFFICERS TRAINING CORPS PROGRAM CANDIDATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531:

RAYMOND ALEXANDER
PATRICIA M. BORDERS
KRISTIE L. MCBRIDE
JEFFREY C. STEVENSON

THE FOLLOWING NAMED NAVAL ENLISTED COMMISSIONING PROGRAM CANDIDATE TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JOSE A. AYALA
COLM M. CALLAN
JEFFREY S. EINSEL
KEITH M. HARPER
THERESE C. HAUK
ANTHONY W. HICKS
KORTNEY A. KROPP
STACY R. MURCH
MICHAEL B. PARKER
JOHN W. REXRODE
PHILLIP P. ROTHER
DANIEL N. SCHILDGE
FRANCISCO H. SILEBI
MAX E. WADDOUPS
BRIAN L. WHITAKER
STANLEY W. WILES
TERRI L. WOLTHERS
ANTHONY W. WRIGHT

THE FOLLOWING NAMED FORMER U.S. NAVAL RESERVE OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

RONALD E. SMITH

THE FOLLOWING NAMED MEDICAL COLLEGE GRADUATES TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

NANCY F. FISHBACK
AUGUST L. STEMMER

THE FOLLOWING NAMED U.S. NAVAL OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

GEORGE J. ALTER
MICHAEL J. BOSSE
MICHAEL J. DAWSON, JR.

THE FOLLOWING NAMED U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE NURSE CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

SHARON N. HIRAKO

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A. GRADE HIGHER THAN INDICATED.

LINE OF THE AIR FORCE

To be major

GARY J. ABBATE, 115-48-7343
SHARON C. ABBOTT, 245-88-6204
RICHARD O. ABDERHALDEN, JR, 334-54-0368
WILLIAM H. ABERNATHY, JR, 221-54-2186
ANNEKE C. ABMA, 543-78-7567
ROBERT J. ABRAHAM, 527-94-9717
JOHN M. ABRUZZESE, 033-44-6109
JOSEPH A. ACCARDO, JR, 099-54-0828
PAUL R. ACKERLEY, 200-46-0028
JAMES L. ACREE, 265-17-5402
DONALD O. ADAIR, 331-44-7305
DANIEL S. ADAMS, JR, 505-88-1182
FREDERICK D. ADAMS, 417-80-5161
REGINALD L. ADAMS, 370-54-1437
WANDA L. ADAMS, 099-54-3030
EDWARD N. ADDISON, 432-15-6454
CARRINGTON C. ADKINS, 226-74-2240
MARCELYN A. ADKINS, 518-54-4520
RANDALL C. AGEE, 226-68-8318
ROBERT A. AGEE, 418-66-0498
ABRAHAM AGRONT, JR, 087-46-0954
WILLIAM K. AIU, 575-88-5503
VALERIE A. AKERELE, 349-42-9934
GEORGE D. AKIN, 551-86-7891
CARMEN M. ALATORREMARTIN, 280-50-1298
ANNAMARIA P. ALBA, 489-74-9202
PAUL S. ALBERT, 380-58-5725
FRANK G. ALBRIGHT, II, 376-64-2631
LINDA S. ALDRICH, 508-62-1032
STUART L. ALDRIDGE, 567-25-5716
JOHN E. ALERDING, III, 224-90-8576
DAVID L. ALEXANDER, JR, 454-92-8504
FELIX E. ALEXANDER, 250-02-0680
JO A. ALFARO, 186-46-6526
LIONEL D. ALFORD, JR, 422-66-8327
REX D. ALGATE, 378-54-9056
DENNIS L. ALLEN, 485-62-1552
GAIL C. ALLEN, 524-86-1109
JOHN M. ALLEN, 512-70-8618
OLA A. ALLEN, 224-78-6276
PATRICK H. ALLEN, 524-78-1876
TRAVIS L. ALLEN, JR, 276-56-4263
JOHN ALLEVA, 133-40-3023
WILLIS D. ALLEY, 520-66-1725
RANDAL K. ALLISON, 488-62-9188
JANICE W. ALLTON, 109-42-9660
CHEN G. ALMACEN, 560-15-9350
MONICA M. ALOISIO, 305-66-0886
DAVID ALONZO, 560-74-8574
DAVID R. ALRED, 322-48-3846
IRIS J. ALRED, 526-76-7766
JOSE C. ALVAREZ, 339-42-1395
ROBERT P. AMBROSE, 262-02-4707
DIETMAR AMELANG, 144-52-9945
ERNEST A. AMENDE, 058-42-8595
JOHN B. AMENT, 387-50-9971
MICHAEL T. AMES, 436-70-2020
DAVID K. ANDERSON, 265-37-8018
ERIC C. ANDERSON, 324-44-8033
KEITH W. ANDERSON, 548-76-0112
LISA K. ANDERSON, 575-62-3715
MARK S. ANDERSON, 215-66-4390
MONDELL R. ANDERSON, 529-88-9664
OTTO S. ANDERSON, 072-44-8775
RICHARD L. ANDERSON, 555-06-0466
RICHARD L. ANDERSON, II, 461-13-5458
SHERI W. ANDINO, 267-61-6516
WILLIAM F. ANDREWS, 112-42-8178
MICHAEL I. ANGAROLE, 549-13-6097
SALVATORE A. ANGELELLA, 137-58-0165
PAULA ANSELMO, 029-46-0417
FELICIA C. ANSTY, 230-98-9441
YOLAND S. ANTHONY, 093-46-6726
DEREK S. ANTONELLI, 546-74-7301
EVETTE E. APONTE, 051-48-6903
STEPHEN J. APPLE, 312-54-0744
JOSE R. ARAGON, 564-82-7476
HENRY J. ARBOLEDA, 524-84-6921
ANTHONY J. ARETZ, 313-66-9628
EUGENIO V. ARIAS, 561-15-6947
ABRAHAM T. ARMOLD, 400-80-8638
JON W. ARMSTRONG, 507-80-0385
BRADLEY D. ARNOLD, 423-76-3339
JEFFREY M. ARNOLD, 026-46-7832
LARRY J. ARNOLD, 420-82-8770
TONI A. ARNOLD, 289-56-4351
THOMAS J. ARNSPERGER, 102-44-4573
TINA J. ARREDONDO, 496-62-2584
WILLIAM J. ARTIS, 261-74-7603
JEFFREY R. ASH, 395-54-4497
PHILLIP T. ASHBY, 227-58-7425
KEITH C. ASSZONY, 151-48-0305
JARED A. ASTIN, 528-11-9923
TAMSEY G. AUDET, 223-02-8034
MARK D. AUDISS, 508-86-4113
SUSAN J. AUNGST, 277-52-7134
CARRELL V. AUSTIN, 296-46-6488
FRED AUSTIN, 553-31-2052
JOSEPH P. AVERY, 136-46-0322
LAWRENCE G. AVERY, JR, 261-23-3333
PETER R. AXUP, 321-58-6280
BRIAN S. AYERS, 149-48-9355
LOREN M. AYERS, 570-25-6314
PAUL L. AYERS, 032-48-5911
BRUCE K. BABCOCK, 388-62-2408
JOSEPH G. BACKES, 399-48-3137
CLIFTON B. BACKSTROM, 587-84-8759
MARGARET Y. BAECHTOLD, 509-78-4729
JAMES J. BAER, 366-64-7584
WILLIAM L. BAHN, 488-54-6168
CHARLES V. BAILES, 245-78-3356
DAVID W. BAILEY, 213-54-7050
DENISE S. BAILEY, 139-58-5284
GEORGE E. BAILEY, 281-46-6555
JOHN C. BAILEY, 377-48-2788
MARK H. BAILEY, 339-58-7260
MARY F. BAILEY, 483-68-0743
BOBBY R. BAKER, 415-88-9342
CHRISTINE M. BAKER, 231-70-0793
CINDY S. BAKER, 317-46-5867
CYNTHIA A. BAKER, 282-62-5559
MICHAEL K. BAKER, 365-64-8929
DAVID A. BALDWIN, 516-66-5928
DAVID L. BALDWIN, 423-72-5052
FLOYD H. BALDWIN, 265-59-6617
JOHN E. BALL, 466-82-2482
SHELBY G. BALL, 452-86-3508
PERRY G. BALLARD, 227-86-5038
J. ROBERT BALLEW, 202-46-5734
ALBERT T. BANGI, 570-29-4992
TANYA Z. BANKS, 417-90-3340
KAREN E. BARADON, 166-46-3081
NEIL J. BARANOVITZ, 252-72-9541
PHILIP J. BARBEE, 276-56-2586
MARTIN J. BARCHE, JR, 185-46-2587
EMILE N. BARCHICHAT, 569-21-1284
GARY F. BAREFOOT, 246-04-1144
BETH A. BARKER, 201-42-6231
JOHN M. BARKER, JR, 334-56-6675
ROBERT W. BARKER, JR, 034-46-6670
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THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

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SOLOMON H. GREEN, 416-92-2544
CASIMIR T. GROCHOWSKI, 474-56-8134
DENISE S. HARDY, 201-44-3479
JANE A. HEBERT, 001-54-0329
LUISA M. HERNANDEZ, 058-50-8665
HARVEY K. HILLIARD, 161-44-7819
TYANN A. HINDELANG, 347-44-9420
DAVID T. HOCKING, 527-25-2890
LAWRENCE M. HOGANSON, 180-44-1726
ROGER H. HOLBORN, 504-60-9811
EVA J. HOLSTINE, 490-66-4301
DAWN E. ISHERWOOD, 512-70-9157
ANNIE B. JACKSON, 587-78-7021
PAULA R. JAMESON, 284-54-4294
MARY A. JASINSKI, 002-36-1210
PHILIP W. JULIAN, 251-88-1396
LAURA M. KARANOVICH, 227-02-0230
WANDA F. KARLS, 430-13-0137
JOYCE L. KELLY, 403-84-0784
NANCY M. KERR, 102-42-1921
DIANE L. KROSKEY, 332-52-3543
THOMAS F. LANGSTON, 223-66-7926
REBECCA S. LEBSACK, 522-92-2884
MARGARET L. LEOPARDI, 477-64-3208
MARIANNE C. LEWIN, 104-50-4324
CAROL A. LONGWELL, 171-52-6323
DAVID L. LUSK, 511-60-3586
JENNY B. LUTZ, 587-68-4146
DIXIE L. LYON, 272-44-8714
DOUGLAS J. LYPEK, 390-46-2817
PAMELA G. MADDEN, 505-76-1266
PETER P. MAHER, 493-68-7763
JOHN J. MALEC, 358-38-0531
ROBERT E. MANNELL, 515-54-5586
VICTORIA M. MARINO, 256-96-1707
CHARLIE H. MCGEE, III, 550-90-7196
SALLY A. MILES, 521-02-6630
LORI L. MONTGOMERY, 176-42-9331
DANNY L. MOORE, 447-50-8620
KATHLYN L. MORGAN, 218-66-3972
JOAN E. MORRISSEY, 579-86-3221
BARBARA E. NAWOROL, 192-50-1178
JULIA E. NELSON, 526-27-1283
CYNTHIA M. NORRIS, 018-38-3359
DEBORAH A. NOVACK, 222-50-8122
TERRY L. B. PARKER, 499-70-0365
ARLENE A. PERRY, 374-68-6904
WILLIAM O. PETTY, 310-62-0607
JUSTITO L. PLATON, 554-98-1554
SUZANNE M. PRILESZKY, 264-33-1077
SHARON J. PRIVETT, 247-04-4676
LINDA S. RIFFLE, 404-96-0122
DEBRA A. RITROVATO, 018-52-7696
SUANNE ROGERS, 247-82-3158
MELODY J. D. RYDGREN, 317-58-8840
KARRIN W. SAX, 469-80-0868
TAMMY R. SCHAEFFER, 585-92-9043
CYNTHIA L. SEMONES, 229-64-6786
MICHAELA R. SHAFER, 506-60-4261
JOYCE M. SHIVELY, 542-80-6143
VICKI L. SIMPSON, 495-66-5585
MONICA R. SKARBAN, 393-66-7354
DONNA L. SMITH, 504-58-2079
KARLA A. SMITH, 510-74-7614
PAMELA S. SMITH, 385-70-7046
CAROL A. STEBERL, 280-54-1217
DEBORAH L. STEPHENS, 263-31-5467
YVETTE E. STEPHENSON, 153-48-2254
MARY L. STEVENS, 008-48-4545
CHRISTINE C. STUART, 153-40-2938
MARGARET A. STULTZ, 309-68-3504
MARY J. STUTSON, 473-78-9896
SUSAN R. SULLIVAN, 097-44-5614
CELESTE B. SUMINSBY, 135-56-7574
CHIN S. K. SUNG, 530-64-2809
SUSAN C. SWANSBURG, 239-98-8862
DONNALEE SYKES, 037-42-8434
VICTORIA E. TAYLOR, 125-48-8318
KAREN S. THOMPSON, 273-54-2591
JAMES F. TITCH, 464-88-5744
GLORIA J. TWILLEY, 426-06-3640
CAROL L. UMSTEADRASCHMANN, 293-50-9679
ELAINE D. VEREEN, 267-33-3381
THOMAS E. VEZIE, JR, 526-78-6707
DEBORAH L. WATTS, 251-25-6529
ELAINE S. WILSON, 417-84-3934
WILLIE C. WINFIELD, JR, 587-88-4396
DORI L. WORTHY, 261-63-6713
VICTORIA G. ZAMARRIPA, 464-94-6328
RUBY M. ZDENEK, 503-76-2555

MEDICAL SERVICE CORPS

To be major

GREGORY O. ALLEN, 494-62-2238
ANNETTE R. ANDERSON, 506-88-5752
ROBERT N. ARMSTRONG, 458-94-9892
MORA KATHI L. BISHOP, 138-48-4358
F. MICHEAL BRIDGES, 243-86-8965
ROBERT C. BROOKES, II, 272-50-7593
DONALD L. BROWN, 512-56-5095
DAVID A. COSTA, 016-48-8084
JAMES P. COUNSMAN, 186-46-3927
FRANCIS D. CUMBERLAND, JR, 215-72-7234
CRAIG A. CYR, 507-74-1832
JEANETTE ERICKSON, 527-90-1412
ROGER S. GOETZ, 162-42-2454
DAVID S. GRASER, 358-48-3936
RAYMOND A. GROOM, 212-58-0833
WILFRID J. HILL, 220-56-9290
DONNA D. KELTZ, 576-90-2058
BERNARD J. KERR, JR, 149-42-3028
MARYANN LAWRENCE, 558-72-0627
MARK A. LAZARUS, 499-56-1343
ROBERT C. MALDONADO, 527-96-4673
ROGER L. MARTIN, 429-96-9496
EUGENE A. MIGLIACCIO, 390-54-2520
BRUCE C. MILLER, 542-60-5359
NANCY D. MOORE, 562-92-6581
RONALD S. MURPHY, 285-48-4150
DREXEL J. OWENS, 424-74-1563
JOANNE S. PARKES, 030-38-3102
MICHAEL L. PERRY, 007-52-3228
FRED W. PETERS, JR, 328-44-5391
JAMES C. PUSTAY, 290-54-1522
CHARLES M. QUINNELLY, 587-96-1441
DONALD L. RAGSDALE, 277-56-7022
YOLANDA REAVIS, 089-46-6738
NANCY S. REILLY, 265-25-6462
MARC M. SAGER, 345-44-7015
ROBERT D. SHERLOCK, 528-76-2370
JACK R. SIMPSON, 530-38-6475
RICHARD R. STEELMAN, 410-82-7502
MARY L. STROBEL, 001-48-7937
LARRY D. THEIS, 339-44-3846

DAVE E. TOFANELLI, JR, 569-68-7851
ARTHUR D. VILLANI, 508-90-1452
EDWARD Y. WALKER, III, 252-92-3476
MARK S. WEINSTEIN, 220-74-5839
RODNEY D. WILSON, 567-80-1896
STEPHEN M. WOLFE, 550-80-4829

BIOMEDICAL SCIENCES CORPS

To be major

JOHN C. ADKINS, 445-48-0683
JOYCE A. ADKINS, 402-78-3715
TIMOTHY ANDERSEN, 517-64-6702
DOUGLAS A. APSEY, 365-62-4043
RICHARD A. ASHWORTH, 431-13-2872
GREGORY L. BARBOUR, 183-48-8782
JEFFREY M. BATEMAN, 411-90-9067
NEAL BAUMGARTNER, 385-64-6318
CATHERINE L. BECK, 213-62-2041
ROGER E. BOUSUM, 494-60-6118
RICHARD K. BRANDT, 227-70-9664
GRANT A. BROWN, 236-88-6831
DAVID R. CARPENTER, 161-48-7086
MARIEJOCELYNE CHARLES, 122-54-1720
DOUGLAS S. COBB, 513-56-3565
GARY B. COPLEY, 407-64-2191
BRIAN K. DECKERT, 304-68-5776
ALAN L. DOERMAN, 273-46-9652
MANUEL A. DOMENECH, 445-56-1175
MARK D. DUBAZ, 587-30-1489
ROBERT A. ELVERU, 471-66-7335
DOUGLAS A. ENGEL, 524-80-5661
JANET G. FLANAGAN, 271-54-8972
YOLANDA A. GEDDIE, 424-62-1640
DENNIS R. HADEEN, 557-66-1347
ARLIS H. HAMANN, 426-92-0541
WILLIE C. HARMON, 267-94-3375
HOWARD T. HAYES, 512-56-8463
MICHELE L. HEIDEL, 421-86-5278
PHILIP L. HOPPER, 041-46-2244
STEPHEN L. HUFFAKER, 507-60-3874
ROBERT J. JACKSON, 321-52-1225
LAWRENCE E. JOHANSEN, 507-62-0126
CRAIG E. JORDAN, 319-44-8343
WILLIAM A. KIEFFER, 488-54-8531
EDWARD H. KLINE, JR, 014-50-5857
ALAN R. KOLSKI, 394-50-8759
MICHAEL D. KREIS, 386-60-1261
SAMUEL J. P. LIVINGSTONE, 130-42-3677
JOSEPH A. LUTZ, 080-46-2704
WILLIAM B. MARTIN, 294-48-8170
RAFAEL F. MEJIAS, 584-38-3909
DAVID J. MIETZNER, 519-72-6997
DANIEL RAE MORTON, 432-90-9043
PHILIP L. MYERS, JR, 002-44-5248
ANTHONY F. OKOREN, JR, 186-46-8769
KELLY K. ORR, 517-54-4477
BENJAMIN J. PARVIN, 261-27-6127
DAVID R. PENNINGTON, 300-46-2667
CHRISTOPHER L. PHEILS, 316-54-9932
ALLAN L. RHOADS, 219-70-7611
THOMAS M. RICE, 352-50-9136
JAMES R. RIDDLE, 408-19-2226
SALLY J. SATO, 539-58-1641
BRUCE F. SCHUBERT, 339-46-4059
SEAN P. SCULLY, 096-54-5045
DANNY G. SEANGER, 226-86-9696
WILLIAM C. SIMON, 124-38-5446
HENRY L. SMITH, 244-90-0392
STEVEN R. STANEK, 532-64-2358
CYNTHIA A. STEFFEY, 506-74-9070
MIGUEL V. VALDEZ, 527-84-7275
CHRISTINE WAGENERHULME, 330-46-0619
WILLIAM G. WALL, 286-50-9476
TIMOTHY J. WARD, 347-50-1978
JOHN M. WEST, 226-70-6151
JEFFREY C. WIGLE, 522-80-1289
RODNEY D. WILSON, 448-56-2635
STEVEN A. WILSON, 393-64-5442
LINDA C. WRIGHT, 427-19-9784
DARYL A. YERKES, 554-86-4839
CHARLES S. YU, 356-46-7589
DON R. ZISS, 278-64-1867

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

MEDICAL SERVICE CORPS

To be colonel

PAUL D. AMOS, 254-78-8746
JERRY I. BAUGHER, 412-74-4478
DONALD R. BENDER, 158-32-9844
FRANKLIN R. BROOKS, 467-80-8607
FREDERICK W. BROWN, 439-72-6751
GORDON W. CHO, 575-48-8354
STEPHEN P. CLOUSE, 317-46-0776
PETER B. CRAMBLET, 071-42-8740
MARTIN H. CRUMRINE, 488-46-2666
JAMES R. CULLEY, 574-18-1236
DENNIS W. DOHANOS, 286-42-5544
HORACE F. EDWARDS, 414-72-7779
ALAN I. FOX, 219-50-6483
BRUCE G. FURBISH, 229-66-4672
ROBERT K. GIFFORD, 412-74-8719
GEORGE J. GISIN, 521-58-5267
FRED GOERINGER, 230-60-6149
THADDIOUS GOODMAN, 227-72-6457
GARY R. GREENFIELD, 216-38-4201
DAVID E. HAMILTON, 496-44-3720
ELWOOD R. HAMLIN, 573-56-8187
JOHN R. HAMMOND, 245-74-2932
LAWRENCE D. HAMPTON, 453-76-9201
ARTHUR W. HAPNER, 265-80-0143
PAUL T. HARIG, 124-36-8316
THOMAS G. HARRISON, 244-80-1552
ROBERT W. HATCHER, 229-58-6130
ROBERT T. HUSSEY, 248-72-6556
RAYMOND L. KELLER, 277-44-2433
RONALD C. KERSHNER, 008-34-6414
JAMES C. LARSON, 260-76-0714
KENNETH LEDFORD, JR, 382-46-4814
THEODORE R. LEGLER, 306-46-8461
ALAN L. LOVE, 134-38-2435
JAMES E. MCCARROLL, 450-68-1509
RANDALL S. MORIN, 246-82-1668
ROBERT J. POUX, 177-38-8232
LOREN T. QUIGG, 563-58-7787
LYMAN W. ROBERTS, 439-60-6427
GEORGE S. ROBINSON, 400-62-2500
MICHAEL J. ROGERS, 142-40-7350
DENIS ROSNICK, 204-34-3887
MARSHALL SCANTLIN, 443-40-9508
GEORGE SOUTHWORTH, 448-42-8398
ELWOOD L. STEPHENS, 420-42-6705
MARY A. SVETLIK, 285-38-8131
JOHN L. SZUREK, 165-36-1065
RICHARD A. WEST, 299-40-6958
ROBERT G. WHIDDON, 420-60-6199
ALLEN D. WHISENANT, 421-62-1812
JAMES R. WIGGER, 222-28-0501
JOHN T. WILCOX, 324-36-9180
CLARENCE R. WILLS, 585-20-3951
JAMES P. WILSON, 209-36-4936

ARMY MEDICAL SPECIALIST CORPS

To be colonel

JACKIE W. BRILEY, 431-78-8515
MICHAEL A. SMUTOK, 105-40-6768
LINDA S. STANDAGE, 255-82-6067

VETERINARY CORPS

To be colonel

EUGENE W. AGNEW, 094-36-8330
JOANNE M. BROWN, 473-60-6232
HENRY W. DERSTINE, 454-72-6337
GERALD P. JAAX, 510-52-8105
NANCY K. JAAX, 510-54-0108
LAFON C. LIVELY, 453-74-2217

ARMY NURSE CORPS

To be colonel

A. L. ADDAIR, 517-50-2404
DARLENE AMENDOLAIR, 579-66-0014
BEVERLY B. ANTOPOL, 585-34-0257
SUSAN L. BACKS, 347-40-8764
MARGARET M. BAIRD, 005-50-4810
ROSLYN D. *. BOOKER, 450-66-6658
CAROLYN R. BULLINER, 260-80-1525
ERIE D. CAPPS, 241-78-7035
VIRGINIA R. CHENEY, 516-58-9036
JEAN M. COBB, 419-66-8953
PAULETTE A. COOKE, 081-42-0582
PATRICIA L. CURRY, 530-42-0001
PHYLLIS H. FARSON, 231-70-0336
LORETTA *. FORLAW, 250-84-4082
BETTY S. GRUNER, 251-68-0942
DEBORAH A. GUSTKE, 459-98-4075
ANTIONETTE HAGEY, 399-54-6842
CAROL A. JONES, 177-38-3383
JILL R. KEELER, 261-96-8756
ELIZABETH F. KEMP, 190-40-1865
MARCIA L. KOSSMAN, 531-48-0490
JO L. LASHLEE, 265-02-0522
BARBARA S. MOORE, 138-44-8020
JAMES D. ODOM, 310-42-5882
BARBARA K. PENN, 458-94-4458
CYNTHIA B. PROBST, 036-28-5969
BARBARA J. RAMSEY, 277-42-6327
RUTH E. REA, 362-54-7756
GARY D. ROBISON, 350-42-3395
MARY T. SARNECKY, 497-44-3132
KATHRYN B. SCHEIDT, 045-36-1507
MARY L. SEALY, 525-94-6843
LANETTE M. SHELTON, 534-54-4517
BETTYE H. SIMMONS, 467-88-9805
ELIZABETH SULLIVAN, 248-72-4781
THOMAS J. VANHOOK, 502-50-4618
ELIZA WANERSDORFER, 390-54-8258
KAREN A. WAXDAHL, 503-58-6159
PATRICIA B. WISE, 216-56-5532

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3370:

ARMY NURSE CORPS

To be colonel

RACHEL A. ADDISON, 176-34-7488
JUDITH W. ALEXANDER, 001-38-5911
EVA S. AUSTIN, 088-40-8972
MARY A. AUSTIN, 257-72-3662
CAROL G. BARNES, 228-68-3667
SHIRLEY A. BECK, 221-20-1507
MICHAEL E. BEEBE, 493-48-7060
DIANA S. BLACKMAN, 432-88-5040
AUDREY S. BOMBERGER, 167-34-1599
PATRICIA M. BOQUARD, 092-34-7747
LORRAINE BOUDREAU, 038-26-9412
SHEILA R. BOWMAN, 216-48-9583
NANCY R. BRECHER, 076-40-5414
SALLY A. BRENNER, 206-30-6062
NORMA S. BRIAN, 315-44-0066
CYNTHIA C. BRICKEY, 249-68-0889
ROBERT E. BUCHANAN, 246-64-4348
CANDACE CHILDS, 260-74-3494
BRENDA G. COOK, 438-64-0126
TAMARA T. COTTON, 402-70-6144
SUE M. CRANE, 365-36-9527
MARJORIE A. CROWL, 515-44-4095
LINDA G. CUPIT, 230-74-8689
SAMUEL C. DAINES, 396-40-6609
DIANNE DALESSANDRO, 130-32-8556
LORETTA A. DARBY, 168-34-4150
MARIANNE L. DARDEN, 148-42-3008
AUDREY C. DRAKE, 240-72-9888
RICHARD M. DUNDON, 133-34-7355
STEPHANI GINIERES, 045-40-3285
ELIZABET GOOLSBY, 088-38-8568
LORA J. GOZA, 455-66-6018
LARAINE H. GUYETTE, 003-28-9087
YVETTE P. HERNON, 059-38-7252
PATRICIA J. HIGGINS, 398-46-3656
GRETCHEN H. HOFMANN, 301-38-0006
HANNAH L. HOLMES, 263-72-4249
MARIE R. IANNACONE, 018-26-6405
ELVIRA R. IBRAHIM, 124-32-8844
PATRICIA A. JOHNSON, 370-42-3941
NORMAN L. KELTNER, 566-60-0667
CHESTINE L. KURTH, 513-50-2936
SHIRLEY J. LANSDEN, 407-44-0546
LINDA E. LEDRAY, 532-50-6872
MELINA M. LEDUC, 039-14-8535
RAMONA C. LEWIS, 540-44-8851
DANIEL LUCHTEFELD, 328-40-7011
DURWOOD D. LYNCH, 509-52-3351
LINDA D. MCHONE, 428-92-4062
ELIZABET M. MCKEON, 060-40-3898
HEATHER A. MCNEIL, 542-44-4808
DARLENE MESERVY, 529-36-0748
JOYCE C. MEZZANO, 181-34-8905
JUNE E. MILLER, 166-38-3233
DAVID C. MITCHELL, 428-70-6589
CARRIE L. NERO, 264-66-7719
DRATHA P. NEUMANN, 417-66-8590
RITA M. PAXSON, 298-36-6974
ROBERT H. ROBERTSON, 107-28-6742
JOSEPHIN ROBINSON, 264-56-0249
BARBARA A. ROUNDS, 289-36-6545
BRENDA B. ROWE, 342-42-1093
WILLIAM R. RUDDER, 430-72-7097
ROSE M. SANDECKI, 050-32-0045
LYNN I. SCHOMAN, 086-40-1390
MARY L. SMITH, 256-74-8251
SANDRA S. SOLOMON, 357-34-5797
MARIETTA P. STANTON, 094-36-9492
EMMIE E. STEADMAN, 249-86-4775
MARY M. STRANGE, 513-44-1144
CLARA R. WALTERS, 303-40-5644
MARY A. F. WARE, 426-84-1737
ANNIE M. WILSON, 456-66-3980
AUDREY T. WINFREY, 458-56-4643
PATR ZINDLERWERNET, 572-72-5729

DENTAL CORPS

To be colonel

WILLIAM C. ADAMS, 417-56-4018
EUGENE A. AMBROSE, 391-26-1307
THOMAS A. BARNES, 428-92-9881
JOHN BELLOME, 063-34-6344
EDWARD E. BEST, 178-30-1066
WILLIAM R. BLEVINS, 405-56-7351
WILLIAM A. BRADY, 142-30-3509
GEORGE A. BROOKS, 247-70-2920
EDWARD E. BRUEN, 402-54-9545
JAMES G. BRYAN, JR, 429-80-2588
MYRON R. BUCHOLTZ, 097-32-5410
JOHN D. BURLEIGH, 440-50-7935
PHILIP L. CARON, 017-34-7881
DAVID CHRISTENSEN, 528-60-7120
FRANK J. DEGAETANO, 062-36-5533
JOHN D. DENNEY, 580-78-7059
ALLAN W. ESTEY, 310-46-0011
LARRY J. FORSYTHE, 531-46-2306
ROBERT C. GORDON, 248-72-5024
PHILLIP M. HERNON, 064-34-8500
JAMES M. HERREN, 419-50-9014
SAMUEL L. HORTON, 422-42-6813
HERMAN E. HURD, 429-80-6297
WILLIAM H. KELLY, 538-46-7546
JAY K. LANGSDORF, 533-38-9990
JOHN P. MADDEN, 516-42-7430
MICHAEL J. MITROSKY, 149-28-8110
DONALD B. MUNGER, 078-30-5968
ALAN V. NEALEANS, 244-78-7543
CECIL E. NEWMAN, 262-54-4371
GARY L. NEWTON, 418-48-2667
RONALD J. NORTHROP, 553-64-4686
ADRIAN L. PATTERSON, 577-66-9579
JAMES L. PAYNE, 495-46-4655
WALTER PIENKOWSKI, 158-34-1126
RICHARD L. REICH, 564-56-0064
CLARENCE P. ROGERS, 383-38-7735

ROBERT H. SOLOMON, 053-32-6182
HARRY P. THOMPSON, 407-66-4945
LEONARD M. TOMSIK, 272-42-4464
THOMAS S. TRUITT, 250-80-8167
JAY A. TUOMI, 517-48-7119

MEDICAL CORPS

To be colonel

DAVID W. ALLEN, 261-64-8580
JOE F. ARTERBERRY, 400-64-1503
CHARLES J. BAKER, 312-42-0013
HERBER BEDINGFIELD, 255-64-6529
JACK L. BENNETT, 530-20-1744
TIMOTHY G. BERGER, 216-52-2360
WILLIA BLANKENSHIP, 432-66-2301
MARK F. BLUM, 507-40-3897
ARNOLD BROWN, 570-52-7205
WILLIAM L. BUHROW, 480-38-8937
JOHN T. CALLAGHAN, 577-58-1890
THOMAS W. CALLAN, 048-28-1677
WALTON W. CURL, 524-62-0656
JOHN D. CURRENT, 305-56-7825
IRVING M. CYRIL, 055-20-2699
VINCENT DECIUTIIS, 059-32-8206
DANTE J. DIMARZIO, 165-42-7832
EVAN W. DIXON, 281-38-5093
GARY DOPSON, 263-72-1490
RONALD V. DORN, 585-32-3739
JOHN D. DUNCAN, 495-44-0400
ASAF DURAKOVIC, 579-94-2480
ALLAN M. EISENBAUM, 086-38-1248
THOMAS ESKESTRAND, 562-58-5729
GERALD P. FALLETTA, 423-36-1615
LARRY R. FANE, 483-46-5652
AMIL J. GERLOCK, 255-54-7139
RITCHIE GILLESPIE, 224-66-3497
PEDRO I. GONZALES, 072-38-4291
DANIEL E. GOODING, 006-42-2406
JOHN W. GOODWIN, 509-38-0067
GERALD D. GRIFFIN, 547-56-1832
RAYMOND GRUENTHER, 127-38-8989
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ISAMU Y. KANG, 206-42-6275
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WILLIAM KELHOFFER, 144-24-4121
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JOHN D. RUMISEK, 172-38-5251
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EDWARD J. SHUMSKI, 172-36-1831
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WAYNE E. SILVA, 015-30-9436
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RODNEY L. SOHOLT, 536-28-1875
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JAMES M. VEAZEY, 257-70-5329
JOHN WADE, 366-36-2074
THOMAS J. WELLS, 175-32-2681
WALTER C. WEST, 579-64-5763
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RONALD J. BOREMSKI, 053-34-6867
PATRICK J. BREHENY, 143-36-6644
JAMES C. BRITTON, II, 424-56-4785
JAMES P. BROOME, 374-44-3566
CAROLYN W. BUONO, 544-42-5636
WILLIS H. BURROUGHS, 250-82-5881
ROBERT E. BUXTON, 499-48-8071
ROBERT E. CARTY, 428-92-0041
WILLIAM A. CASKEY, 270-40-9905
JON M. CLIFFORD, 019-34-3278
STIRLING S. CLOSE, 265-98-3016
JAMES T. COLLIGAN, 075-40-9399
WILLIAM F. COMER, 543-50-5902
JAMES M. CROSS, 410-76-5791
THOMAS C. DAMRON, 404-60-0879
JAMES E. DIERCKS, 473-52-2645
BRIAN J. DOUGHERTY, 535-42-6781
BERNARD F. DUPAUL, 011-34-5205
CLYDE W. DUTTON, 424-46-1552
GALEN G. EMMONS, 465-62-6824
GERALD G. FONVILLE, 452-68-7634
STEPHEN S. FUGITA, 283-42-1639
JEFFREY L. GIDLEY, 555-70-9702
JERRY R. GLASS, 446-38-3475
WALTER S. GRAHAM, 179-38-8154
BARRY A. GRIFFIN, 484-54-8148
BOB T. GRIFFIN, 458-72-2215
RONALD N. GUIMOND, 011-30-8435
RALPH M. HANDLY, 568-54-9314
ANDREW J. HETRICK, 199-38-0427
DALE W. HOWARD, 454-70-6872
ALAN K. JACOBS, 568-62-4075
ALBERT L. KEMP, JR, 497-44-4724
GARY N. LACHER, 516-52-1371
TOGER J. LEAKS, 248-70-4889
ROBERT P. LECH, 380-42-1235
JOHN A. LOOMIS, 425-72-0183
KENNETH A. MCDONALD, 578-60-4414
TIMOTHY W. NAVONE, 549-64-3233
GORDON M. NELSON, 117-34-1217
WILLIAM T. NOONAN, 026-36-0234
THOMAS E. OBRIEN, 050-34-0894
LAWRENCE ONDOVCHIK, 191-36-1445
RALPH C. PATTERSON, 443-42-9408
KYLE L. PEHRSON, 528-60-7253
ANDREW E. PRINCE, 565-64-4590
GREGORY PRITCHETT, 418-62-4789
JOSEPH M. QUASHNOCK, 574-14-4920
ROBERT L. RHODA, 077-34-2725
JOHN E. ROBERTS, 260-64-2584
GARY D. RUSSI, 447-42-7396
GERALD A. SCHLAPPER, 490-48-8149
FRANCIS N. SMITH, 090-36-1122
JOHN W. TAYLOR, 255-64-7369
ALLAN D. VISNICK, 022-30-9478
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ARMY MEDICAL SPECIALIST CORPS

To be colonel

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KAREN E. HORTON, 139-36-7112
DONNA J. MCNEILL, 429-92-9017
DOUGLAS A. MOORMAN, 247-68-7761
LOUISE C. NORTON, 493-48-7014
MARCIA B. SNOW, 239-68-8585
HUITTE L. TAYLOR, 436-70-3453
ALFREDO J. VALLEJO, 451-74-2972
ROSA M. VAZQUEZ, 582-72-2213

VETERINARY CORPS

To be colonel

MALCOM N. ALLISON, 442-46-4805
BRADFORD S. GOODWIN, 005-42-5214
ROGER B. HARVEY, 464-80-3903
ROBERT T. LANE, 487-52-1874
DOUGLAS W. MASON, 470-50-5236
GEORGE A. MILLIS, 422-64-2508
KENNETH B. PLATT, 147-32-6014
THEODORE W. SLONE, 463-68-8924

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3366:

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To be lieutenant colonel

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JUDY ALTSCHULER, 076-38-7924
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KRISTINE E. ASHLEY, 263-04-1147
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KATHERINE AUSTIN, 585-44-5979
ODESSA C. AUSTIN, 078-34-4734
KATHLEEN A. AVERY, 105-42-9344
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ARTURO BAEZ, 581-84-3951
KATHLEEN M. BAISH, 579-70-6170
HARVEY H. BAKER, 514-48-1925
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BARBARA A. BALFOUR, 150-30-3573
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JOANN BLACK, 526-90-5898
SUSAN M. BLALOCK, 565-88-2504
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MARCIA R. BROWN, 159-32-2052
MAUREEN F. BROWN, 565-74-2445
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MARJORIE ROBINSON, 470-58-1564
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ELLEN L. SMITH, 316-58-3450
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CYNTHIA J. STEWART, 161-40-0662
PAULA D. SURETTE, 509-50-5828
KATHLEEN H. SWITZER, 516-36-1913
EDGARDO C. TALUSAN, 101-48-0308
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BARBARA G. TAYLOR, 017-40-8322
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GEORGETTE THURMOND, 585-44-2091
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PAUL J. TURNBO, 159-32-1433
PATRICIA A. TYLER, 212-56-3001
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CAR VANSTEENBE, 154-30-6153
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KIRK R. BAUMGARDNE, 484-70-3766
JOHN R. BEALL, 222-40-5578
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MARC L. BOWEN, 552-70-1542
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HOWARD H. TAMAI, 557-58-5304
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JAMES M. THOMPSON, 017-34-0587
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KENNETH I. THURSTON, 104-36-0290
ALBIN A. TIMM, 471-60-1252
PRITAM S. VERMA, 284-54-1074
MICHAEL J. WAGNER, 585-28-3105
WILLIAM E. WALSH, 174-38-3453
MICHAEL G. WATTS, 570-62-0392
JOHN B. WEBSTER, 420-62-7678
HALL B. WHITAKER, 428-98-8674
JOHNNY R. WILLIAMS, 432-82-0585
JOSEPH O. WILSON, 402-60-0216
MARYANN C. WOOD, 188-34-0877
WILLIAM W. WOOLMAN, 448-44-6128

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

ALBERT A. ABDOO, 077-34-7069
KAREN R. ANDERSON, 570-70-5895
BR ARROYOGUAD, 583-42-3456
BERNARD J. ATCHISON, 375-54-1778
MARION L. BRACEY, 507-70-2706
MICHAEL P. BROOKS, 529-62-3185
GARY O. CAMP, 503-50-2129
JOICE A. CARTER, 446-44-2217
HOLLY A. DIEKEN, 318-40-1505
AMANDA D. DIN, 566-76-8768
LYDIA F. DORION, 563-94-7378
SUSAN A. GRIGSBY, 250-92-1294
JUDITH M. HAIDUK, 076-36-5664
BETTY J. HALLMON, 261-82-9344
CONSTANCE HARDY, 262-94-3576
BARBARA E. HAZEN, 009-32-9993
CHARLES O. HOLMBERG, 098-38-1332
BRENDA J. JOHNSON, 252-84-1210
DIANA L. JONES, 458-74-6048
LOYD D. JORDING, 508-50-0929
ROGER L. KEDDINGTON, 528-60-5431
AMY K. LEITNER, 175-44-9695
NETTA J. LEONG, 563-88-2258
STEPHANIE MARTINET, 181-40-9674
VIRGINIA M. MEYERS, 317-54-5229
BRUCE L. OLSON, 389-44-8768
VIRGINIA S. STAPLEY, 413-76-3322
KATHERI STRICKLAND, 218-52-7790
MARY B. SYKES, 217-50-2424
YOU Y. WHIPPLE, 289-50-2794
KATHERINE YOUNG, 230-68-0265

VETERINARY CORPS

To be lieutenant colonel

LUCAS H. BRENNECKE, 500-50-3118
LESLIE M. DALTON, 402-66-2063
JAMES M. GLOVER, 422-62-2220
ERIC C. GONDER, 481-56-4512
ASA H. JEWELL, 004-44-9056
HARVEY H. LEIMBACH, 268-42-0209
GEORGE T. MAKOVEC, 512-48-4038
MICHAEL E. PAULSEN, 466-94-6948
BLAINE R. RUSSELL, 519-54-1441
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IN THE ARMY

THE FOLLOWING NAMED RESERVE OFFICERS' TRAINING CORPS CADETS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

CURTIS T. ANDERSON, II, 476-94-1086
CORNELL E. ANDERTON, 540-11-3899
PHILLIP E. APPLETON, 541-84-1931
SANTIAGO A. ARCHULETA, 524-25-4680
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THOMAS E. BARTOW, 050-60-2463
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PAUL J. BRISTOL, 349-56-1805
JOHN E. BRISTOW, III, 452-31-1861
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JEROME JACKSON, 259-25-1937
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DAVID K. KOWALCZUK, 384-90-3629
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DAVID A. LEE, 420-19-0724
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GEORGE M. LOGAN, 555-69-2288
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ROBERT MADRID, 556-65-6892
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JONATHAN M. MAPLEYBRITTLE, 150-74-5600
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LYLE L. MARTIN, 321-60-0428
RONALD E. MARTIN, 331-60-3735
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JACQUELINE A. MAUPIN, 497-66-4975
ANGELA M. MAVRICH, 171-60-4730
TIMOTHY P. MCALILEY, 574-60-5909
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BERNARD N. MCCUTCHEON, 236-13-3538
CHARLES T. MCGUINNESS, 447-82-8420
THOMAS P. MCLEARY, 273-80-9965

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BRYAN MCNEAL, 230-23-0743
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ERIC P. MILLER, 281-52-4918
JEREMY B. MILLER, 226-29-2156
JODY C. MILLER, 516-84-7268
GARY P. MISKOVSKY, JR, 443-56-5524
BRYAN K. MOHN, 329-68-2025
DAVID S. MONSON, 225-17-0530
RICHARD A. MONTALVO, 555-53-7428
KENNETH A. MONTE, 280-78-6560
CHARLES P. MOORE, 531-70-5738
STACY L. MOORE, 491-76-5656
VICTOR L. MORALES, JR, 581-29-2676
JAMES W. MORRIS, 252-51-2268
MATTHEW R. MORRIS, 129-66-6655
KEVIN C. MORRISON, 412-96-1524
CLIFFORD J. MULLEN, III, 510-76-8079
BRUCE A. MUMFORD, 507-92-7802
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THOMAS E. MUNSEY, 223-17-2501
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SEAN P. WILKINSON, 263-95-8926
GREGORY A. WILLIAMS, 523-04-6714
JEFFREY N. WILLIAMS, 453-19-1092
DANIEL B. WILSON, 563-51-6852
DIONNE M. WILSON, 507-74-8543
KATHRYN K. WILSON, 409-96-5648
PAUL M. WILSON, 412-31-1776
JEFFREY E. WOOD, JR, 179-52-6930
YANCY D. WOOD, 440-78-7183
THOMAS E. WOODIE, 239-29-1315
CARL J. WORTHINGTON, 461-57-7416
KARL W. WRIEDEN, 213-66-4225
RICHARD D. WYATT, 408-96-8282
ANDREW M. ZACHERL, 524-31-0724
MICHAEL R. ZELESKI, 506-94-3723
BRYAN R. ZENT, 501-98-0103
KRIS A. ZUPAN, 161-58-8946

MEDICAL SERVICE CORPS

VINCENT M. ANTUNEZ, 555-15-5293
MARSHA ATCHISON, 516-78-3333
ALLESA J. BIRD, 443-76-2446
MYRANDS L. BROMELL, 250-49-8738
JOHN L. CHITWOOD, 260-31-0257
WALTER H. CONNERY, 024-46-2665
DAVID J. REINHART, 503-96-0290
JEFFREY F. RIMMER, 412-37-8433
CARLENE A. SPENCE, 068-64-4967
PATRICK STARKEY, 423-84-1904
THOMAS A. SYDES, 228-90-5338
JAMES R. TOLSTON, III, 256-37-4487
STEPHEN W. WALKER, 405-23-5234
CHARLES G. WALLIS, 572-47-3745
TIMOTHY S. WORT, 408-21-5730

ARMY NURSE CORPS

DONALD A. CLOUD, 517-90-6881
MARIBETH K. DEWEY, 127-50-3888
JANELLE M. JAMES, 447-82-6106
BRETT E. MCCLOSKEY, 316-72-2639
SCOTT A. NEUSER, 388-74-7695
YZEUT M. VIVESTORRES, 583-85-5018
LAURA R. WEDEL, 523-41-3344

MEDICAL SPECIALIST CORPS

STEPHANIE E. FOX, 555-17-6574
EMILY D. MAGERS, 111-68-8208

THE FOLLOWING NAMED CADETS GRADUATING CLASS OF 1991, UNITED STATES AIR FORCE ACADEMY WHO HAVE REQUESTED APPOINTMENT IN THE REGULAR ARMY IN THE GRADE OF SECOND LIEUTENANT UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 541:

SHANNON G. CURRY, 523-21-5637
JOSHUA H. JONES, 520-02-8254
TIMOTHY G. NIX, 455-39-3309
DAVID J. WOOTEN, 507-06-6758

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THEIR ACTIVE DUTY GRADE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1211.

To be lieutenant colonel

JAMES F. CHERRY, 429-88-1791

To be captains

ELMER C. WALLACE, JR, 452-13-9503
DAVID A. LEE, 108-46-3147
CHRISTOPHER V. PATTERSON, 178-48-8181

THE FOLLOWING NAMED DISTINGUISHED HONOR GRADUATE OF OFFICER CANDIDATE SCHOOL, FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532 AND 533:

CHARLES P. MCNEILL, 498-70-0991

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THEIR ACTIVE DUTY GRADE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532 AND 533:

ARMY NURSE CORPS

To be lieutenant colonel

CHARLES B. HAUSER, 501-58-5563

To be majors

SOCORRO CASTORENO, 459-82-4677
RITA CORCORAN, 102-46-3981
FRANCES K. DEVLIN, 136-36-3611
KEITH E. ESSEN, 573-82-3566
JOSEPH HELMINIAK, 271-52-8108
THERESA MESSENGER, 402-88-2954
BYRON D. UNDERWOOD, 405-74-1076

To be captains

LOIS BORSAYTRINDLE, 203-38-6059
ELEANOR FENNELL, 189-38-3985
ROBERT S. HODGES, 529-17-5641

To be first lieutenant

OTIS WARE, 264-39-9363

MEDICAL SERVICE CORPS

To be majors

HERBERT M. GUPTON, 413-72-1171
JOE A. SANTOS, 457-94-3790
J. D. WHITE, 587-03-4519

To be captains

JOSE ANDUJAR-RIVERA, 584-68-0048
DONALD BACON, JR, 545-61-1778
DACOSTA EG BARROW, 073-58-8675
JESSI D. BOOKER, 419-98-1309
ANN C. BUDINGER, 397-80-1834
JEFFREY A. DANCHENKO, 429-37-3021
THOMAS P. DRIER, 388-66-5557
GREGORY R. GONZALEZ, 405-96-2270
MARION F. MOSLEY, 526-88-5815
LINDA C. ROSS, 394-70-3266
ADELE VOGELGESANG, 467-19-1800
DONALD R. WEST, 436-15-2449
ROBERT C. WREN, 227-78-1705

To be first lieutenants

MARK A. BARTH, 226-96-3117
JOHN M. GARRITY, 217-90-1110
DAVID G. KING, 399-82-9640
ANDREW R. ROYBAL, 556-47-3044
STEVEN A. SAWYER, 153-66-9136
JOHN A. SMITH, 491-70-0342

VETERINARY CORPS

To be majors

KIM B. BIGBIE, 444-58-5536
RONALD L. BLAKELY, 451-82-9666
LOREE B. GAINES, 423-82-2282
CARNEY JACKSON, 232-82-0187
MARK E. WOLKEN, 481-76-3599

To be captains

CORNEL L. KITTELL, 369-50-6560
ROBERT W. MCHARGUE, 560-84-5958
GEORGE C. RENISON, 441-54-3981
JOHN C. SMITH, 514-48-0662
PAUL E. WHIPPO, 237-21-8906

MEDICAL SPECIALIST CORPS

To be majors

JAMES R. BROWN, 246-82-1950
STEVEN R. ORD, 563-68-7261

MEDICAL CORPS

To be colonels

ROGER K. ALLEN, 369-42-4959
WILLIAM KENNON, 410-74-7855
TERRY E. PICK, 430-92-0803
HARVEY RUSKIN, 365-38-0061

To be lieutenant colonels

DAVID G. JARRETT, 316-48-5397

ROBERT KAMINSKI, 370-48-4447
WILLIAM N. LANE, 239-84-4518
DENVER E. PERKINS, 459-58-1326

To be majors

ROBERT M. GUM, 236-72-3009
DAVID L. MANESS, 414-90-6406
RICHARD E. WHITLOW, 510-72-2283

To be captain

JAY F. SULLIVAN, 073-54-4892

DENTAL CORPS

To be lieutenant colonel

ERNEST R. RICCI, 191-38-6267

To be majors

DALE A. BAUR, 285-50-7724
GREGORY A. BLYTHE, 282-54-9487
SHIRLEY L. BURT, 357-48-7011
PAUL CHRISTIANSON, 476-60-6926
CHARLENE CZUSZAK, 207-42-8627
PHILIP DENICOLO, 042-54-5696
JIM B. DUKE, JR, 417-76-9555
NANCY K. ELLISTON, 552-68-7365
TRENT C. FILLER, 453-02-2528
ANDREW E. FLOYD, 250-88-4759
JOHN A. GAWLIK, 141-60-2296
PHILIP A. HAMMOND, 396-52-6967
ANTHONY P. JOYCE, 518-78-2622
STEVEN L. KENNEY, 432-13-7609
CARL M. KRUGER, 214-56-3076
DALE L. PAVEK, 390-46-8408
ALLEN B. QUEEN, 244-88-2880
ALAN D. SMITH, 022-52-5866
JAMES L. THOMPSON, 423-74-3379
DEAN S. UYENO, 555-82-4894
ROBERT J. WILHELM, 332-46-5999

To be captains

CHRISTIAN ACHLEITHNER, 123-40-6156
DOUGLAS BAUMGARDNER, 400-72-0772
THOMAS J. BORRIS, 350-60-0094
LAWRENCE BREAULT, 028-36-4030
ANNETTE DUSSEAU, 313-66-2777
ANDRE K. KIM, 546-06-2542
CASEY P. LESER, 585-92-4062
GLEN D. MAYLATH, 386-64-6313
MATTHEW A. MCLELLAN, 366-54-0095
WALTER F. RONGEY, 341-42-3444
SAUNDRA G. STEIN, 250-06-7933
ROBERT R. THRASHER, 450-88-6819

JUDGE ADVOCATE GENERAL'S CORPS

To be major

FRAN W. WALTERHOUSE, 312-52-8550

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS OF THE MARINE CORPS RESERVE FOR TRANSFER INTO THE REGULAR MARINE CORPS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531:

UNITED STATES MARINE CORPS AUGMENTATION LIST

To be major

SCOTT W. EVANS, 261-88-7423

To be captain

MICHAEL J. AHERN, 277-76-1436
DAVID C. ANDERSEN, 113-52-5516
JAY T. ARNETT, 576-82-1383
VAUGHN A. ARY, 441-74-6163
STEPHEN L. BAKER, 306-76-4681
CHRISTOPHEP BALESTERI, 149-58-9361
MARK A. BAUER, 248-23-6803
JOSEPH S. BELFLOWER, 262-81-9349
CHARLES A. BELL, 245-25-6952
TIMOTHY J. BLEIDISTEL, 545-47-7264
THOMAS G. BOGARD, 074-62-5863
MICHAEL L. BOOTH, 266-61-2480
WILLIAM R. BROWN, 027-50-0753
JAMES R. BROWN, III, 059-64-7520
PAUL W. CALLAHAN, 215-84-3157
KENT A. CARPENTER, 313-68-8381
JOSEPH P. CATAN, 079-50-7699
BRENT C. CHERRY, 519-72-4204
ROY CHISHOLM, 261-33-5986
STEPHEN S. CHOATE, 231-92-7739
JUSTON H. CLEMENT, 422-80-4851
BRUCE E. COOK, 267-61-8699
STEVEN R. CUSUMANO, 500-64-5260
DANIEL J. DAUGHERTY, 295-72-0097
DAVID M. DAUGHERTY, 567-88-6627
THAD W. DAVIDSON, 551-33-1305
ROBERT R. DEMING, 493-66-9433
PAUL D. DONAHUE, 478-92-7336
PATRICK J. DUNNE, 030-56-5495
ANDREW C. ENTINGH, 114-62-9789
BRAD L. FAHLAND, 553-37-0372
MARK D. FRANKLIN, 340-42-6530
JAY S. FREEMAN, 526-75-5157
CHRISTOPHEW FUNKHAUSER, 503-62-0402
JOHN F. GARRELTS, 384-68-4136
SHERYL G. GATEWOOD, 490-82-0127
TODD M. GLENN, 266-96-2949
JOHN L. GODBY, 223-86-7591
RICHARD E. GRANT, 106-54-6130
SAMUEL B. GROVE, 311-74-7944
PAUL B. GRUZLEWSKI, 181-48-2793
WILLIAM J. HARKIN, II, 189-56-2615
PATRICK J. HERMESMANN, 156-58-7788
DALE E. HOUCK, 177-56-7737
ALTO L. JERKINS, III, 548-55-6166
MICHAEL J. JOHNSON, 522-25-5061
MICHAEL W. JOHNSON, 231-19-5013
DAVID A. JONES, 267-55-1206
DAVID C. KNUTH, 471-78-2286
VINCENT C. KUCALA, 536-80-4322
DANIEL C. KUDLICKI, 348-52-5717
JAMES E. KULENEK, 216-80-1046
JAMES B. KUNKLE, 162-56-6360
JEFFREY E. LISTER, 213-96-4016
KURT V. LOHRMANN, 453-41-0352
DANIEL P. LUKSCHANDER, 228-92-9485
MICHAEL L. MAFFETT, 258-29-8420
STEVEN R. MARAVILLAS, 571-41-0140
DAVID A. MASTERS, 405-06-2714
MICHAEL P. MCSWEENEY, 267-49-0072
MICHAEL D. MITCHELL, 518-74-5441
DAVID M. MONTAGUE, 255-80-9876
VINCENT K. MOONEY, 254-06-0974
SCOTT C. MYKLEBY, 474-74-6710
JOHN J. NELSON, 045-66-7090
MATTHEW B. NORMAN, 178-50-6603
JEFFREY A. OLSEN, 571-31-1930
CHRISTOPHEJ PAPAJ, 573-35-6273
RICHARD M. PARR, 466-25-1835
GEORGE D. PICKENS, 248-41-9221
MARK E. PINTO, 567-11-9685
JOHN D. POLLARD, 560-45-5168
LAULIE S. POWELL, 265-19-3676
JOHN H. PRICE, 528-86-9764
REGLIN, 363-56-6567
MARK L. ROHRBAUGH, II, 040-66-9656
CHRISTOPHEB RYDELEK, 111-50-4685
DAVID B. SALATHE, 196-62-2697
MARK D. SANDERS, 376-68-0577
DOUGLAS L. SEAL, 544-74-3296
RUSSELL M. SMITH, 438-21-3376
ROBERT W. SPRAGUE, JR, 036-46-4922
STEVEN G. SPRINGER, 570-37-5175
ARTHUR T. STURGEON, JR, 255-33-2039
DIANNE L. SUMNER, 238-04-4567
JEROME E. SZEWCZYNSKI, 521-06-6956
TODD T. TILLMAN, 507-96-1801
VINCE R. WALKER, 542-70-1337
ROBERT T. WATTS, 496-76-9577
BEN K. WIGAND, 463-19-0649
PETER D. ZORETIC, 279-74-8433

To be first lieutenant

ROBERT A. AKIN, 426-15-2689
EDONNA L. ALLEN, 250-11-1308
STEVEN J. AMOROSO, 125-42-0969
DAVID J. ANDERSON, 562-41-3810
JAMES L. ARMSTRONG, 106-58-3670
NORMAN C. BAILEY, 247-17-6889
MICHAEL W. BARNES, 466-92-7527
GARY G. BLOESL, 392-78-6448
RANDAL S. BRELAND, 438-33-8740
MICHAEL A. BRUNO, 298-64-0444
SEAN J. BURKE, 223-19-4616
RODNEY D. BURNETT, 492-58-1618
ALBERT K. CHILDS, JR, 459-35-7605
STEPHEN A. CHILL, 218-88-5029
DAVID L. COGGINS, 223-86-9152
ROBERT C. COLLINS, 004-70-9278
FREDERICK R. CONNER, JR, 149-68-9186
GLENN A. CUNNINGHAM, 190-58-2866
SCOTT D. CUNNINGHAM, 230-84-7345
SHARON A. DANJOU, 076-60-8612
ROBERT A. DEROZIERE, 287-50-8327
THOMAS A. DOUGHERTY, III, 141-66-1777
STEPHEN E. DUKE, 561-47-5234
CHARLES W. DUNCAN, JR, 406-90-0748
BRIAN P. DURKIN, 027-52-2432
KATHY J. EATINGER, 574-60-6628
DAVID A. FALK, 093-60-6561
MARK S. FLANNERY, 268-60-7941
BRADLEY K. FLEISCHER, 469-80-9024
GRANT V. FREY, 576-96-6924
RICHARD W. FULLERTON, 180-60-0830
RUBEN J. GARZA, 527-73-1215
ANDREW J. GILLAN, 327-54-0953
JAY L. HATTON, 455-51-8951
MARK HELMUS, 355-60-0823
ANTHONY R. HERLIHY, 249-94-0735
DENNIS J. HOLLAHAN, 353-54-0866
JEFFREY Q. HOOKS, 492-68-9391
WILLIAM J. HUGHES, III, 033-54-0107
NANCY E. HURLESS, 506-90-2557
MARK D. JOHNSON, 461-49-8992
DAVID R. JONESE, 226-78-4703
JOHN E. KASPERSKI, 488-76-1078
STEPHEN H. KAY, 258-25-8815
ERIC R. KLEIBER, 507-90-5266
ROBIN R. KNEPP, 227-17-0125
ROBERT L. KUMPE, III, 520-72-9898
MARC J. LACLAIR, 373-70-0040
REIDAR F. LARSEN, 578-86-2126
MICHAEL A. LESAVAGE, 511-64-5719
JOHNNY E. LINDSEY, JR, 455-35-4407
JASON G. LINDSTROM, 386-56-2019
GENE LINFANTE, 144-68-8556
THOMAS A. LOGAN, II, 227-04-3766
BRIAN D. LONG, 230-76-6529
KEVIN W. MADDOX, 496-76-2668
MITCHELL J. MCCARTHY, 456-88-4966
DAVID B. MCGILLIS, 520-72-0689
BRENT E. MEEKER, 333-60-1230
LARRY L. MELTON, JR, 248-33-4350
BERNARD W. MEYER, 009-52-5045
SCOTT T. MINALDI, 435-23-1097
CARLO A. MONTEMAYOR, 219-88-7123
ANDREW J. MURRAY, 134-64-8586
RANDALL P. NEWMAN, 309-82-8572
BRENT A. NORRIS, 407-86-8367
PATRICK ODONNELL, 441-56-6096
JOEL G. OGREN, 504-76-4441
JAMES S. OMEARA, 158-58-5897
ROBERT C. OMEARA, 048-60-8741
MARK W. OVERTON, 460-27-9230
JAMES R. PARRINGTON, 474-92-5547
MATTHEW PATIN, 436-17-0381
GABRIEL PATRICIO, 016-58-4399
ALVIN W. PETERSON, JR, 533-86-5877
FRANK D. QUATTROCCHI, 569-59-9568
JAMES B. RAFERT, 506-94-1640
JOHN C. REIMER, 444-66-1321
JOCEPHAS ROZIER, 296-68-1187
JAMES L. RUBINO, JR, 189-62-4362
MARK D. RULLMAN, 350-62-7528
MARGARET A. RYAN, 324-42-2998
MICHAEL S. SALEH, 361-66-6034
WILLIAM C. SALTER, 519-60-0912
DEBRA A. SCHOPPE, 559-68-6993
HALLIBURTOJ SELLERS, 479-96-2836
RONALD K. SHY, 235-02-2928
STEVEN A. SIMMONS, 161-52-9250
KEITH E. SPURLOCK, 548-29-9865
LYNN A. STOVER, 165-52-3629
ROGER M. STRAUSS, 568-25-5209
MICHAEL R. STROBL, 523-70-2634
JOSEPH R. STROHMAN, 482-78-9197
JOHN J. SWEENEY, 029-54-2603
WILLIAM M. SYKSTUS, 335-58-5654
JOHN E. TADE, JR, 550-51-0221
STEPHEN R. TERRELL, 447-60-7335
JAMES S. TILLER, 219-94-4947
JOHN D. TROUTMAN, 404-13-5990
JEFFERY I. TURK, 445-78-5278
MICHAEL S. VARADI, 540-94-5923
LAWRENCE A. WHALEN, 154-64-3276
KEVIN H. WILD, 011-58-0748
PATRICK R. WILKS, 580-06-8241
BRIAN A. WILLIAMS, 496-76-7108
JOHN E. YOUNG, 433-94-8430

To be second lieutenant

JAMES T. JENKINS, II, 524-23-0654
JOHN R. LANGFORD, 385-72-1633
JOHN P. MUSTICO, 230-19-6147
STEVEN F. PITINGOLO, 028-54-4876
JEFFREY A. RUTLEDGE, 149-60-8541
KARL R. TRENKER, 144-70-9440

UNITED STATES MARINE CORPS INTERSERVICE TRANSFER LIST

To be captain

JEFFERY B. KILMER, 265-55-8162
KARL D. KLICKER, 502-62-5999
MARK G. MCCONNELL, 265-29-2021
WILLIAM T. POTTS, JR, 423-60-9926

To be chief warrant officer 4

SANFORD P. PIKE, 570-60-4056

To be chief warrant officer 3

RODNEY S. BULLOCK, 423-60-5805

To be chief warrant officer 2

KARL E. DUGGIN, 440-54-9433
JAMES R. WESTFALL, 527-73-4786

THE FOLLOWING NAMED LIMITED DUTY OFFICERS OF THE REGULAR MARINE CORPS FOR APPOINTMENT AND DESIGNATION AS UNRESTRICTED OFFICERS IN THE REGULAR MARINE CORPS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589:

To be major

RUDY K. ABRAMS, 414-88-8501
DELLAS R. BENNETT, 234-72-2013
DONALD R. HANSEN, 550-80-6970
DAVID F. JACOBUS, 561-66-8712
CHARLES A. MCWILLIAMS, 039-28-1580
MELVIN ROGERS, 428-92-3646
HOWARD A. WATT, 426-94-5032

To be captain

HAROLD S. AARON, 242-92-6056
ROBERT N. CALLISON, 558-68-9249
BARKLEY A. CORNWELL, 214-46-0601
TOMMY C. GRIFFIN, 259-84-5100
MERLIN J. JOHNSON, 483-68-4357
FRANCESCO MARRA, 157-46-9265

To be first lieutenant

LARRY G. CARMON, 308-62-3576
THOMAS L. HANKINSON, 161-48-3673
MICHAEL E. WEAVER, 532-64-4729
STEVEN R. WILLIAMS, 312-66-9632
ROBERT L. WOODRUFF, JR, 271-64-9816
FRANK E. ZEIGLER, 465-11-1321

IN THE NAVY

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS, TO BE APPOINTED PERMANENT LIEUTENANT COM-

MANDER IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT COMMANDER, LINE, USN, PERMANENT

RANDALL SCOTT BUTLER
PATRICK BRENDAN CARMODY
BRIAN GOODWIN FINCH
DAVID WOLF GRUBER
MICHAEL C. MCAULEY
BENJAMIN K. MILLER, JR
KENNETH R. PORTER

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFEICERS, TO BE APPOINTED PERMANENT LIEUTENANT IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, LINE, USN, PERMANENT

PETER HERBERT ADOLPHSON
ANDREW ALFORD
BRIAN MICHAEL ALLEN
DONALD TODD ALLERTON
CHARLES JOSEPH ALTMAN
CRAIG DAVID ANDERSON
ERNS MOSES ANDERSON, JR
TIMOTHY RICHARD ANDERSON
WILLIAM JAY ANGUS
RICK WILLIAM ARAI
DAVID T. ARMSTRONG
MICHAEL SCOTT ASHBY
PAUL DAVIS ASHCRAFT
DONALD VINCENT AVENGER
RONALD KENT BACH
HENRY HUTCHINS FRANCI BAKER
WILLIAM ALAN BAKER
DARRYL LEIGH BARRICKMAN
JAMES ROBERT BEAMISH, JR
FORREST LEE BEASLEY
MICHAEL EDWARD BEAULIEU
RANDALL E. BECK
JOHN CLIFTON BEGLEY
DENNIS JOSEPH BELANGER
PATRICIA LEAH BENNICK
MARK DAVID BENTON
SCOTT DAVID BERGREN
THOMAS JOSEPH BERNOTA
GEORGE MICHAEL BERTSCH
CHARLES MARCONI J. BLACKWELL
GEORGE LOUIS BLASCO
KENNETH GEORGE BOBEN, JR
KEITH ALLEN BOLEN
JAMES GORDON BOTSFORD
IRVING GUSTAVUS BOUGH
PATRICK JOSEPH BOWMAN
JOHN KENNETH BOZICK
ANTHONY STEVEN BRADLEY
GREGORY ANTHONY BREEDY
PETER JAMES BRENNAN
SUSAN KAY BREWER
THOMAS EDWARD BREWER, III
RICHARD BLAKE BRIDGES, JR
KEVIN DANIEL BROFFORD
TODD JERRY BROPHY
LORENZO DAVID BROWN
JAMES WILLIAM BROWNSON, JR
VICTOR RICHARD BRUNI
FRANK BUGELLI
ROBERT LOUIS BUHROW
GREGORY GERHART BURKART
MICHAEL ALOYSIUS BUSSMANN
CHRISTIAN TOBIAS CALVO
KOLIN KENT CAMPBELL
JOHN ANDREW CANADAY
JOHN RALPH CARLSON
ROBERT CAMPAS CARRANZA
JAMES PAUL CARSON
BARBARA JEAN CARTER
KEFF MICHAEL CARTER
STEVEN BRADLEY CASTILLO
ERIC WEAVER CAUDLE
DARRYL DUANE CENTANNI
ROGER HENRY CHANDLER
DAVID CHARLES CHANG
GLEN JOSEPH CHITTY
KARL ROBERT CHRISTENSEN
CHRISTOPHER ANTHONY CIPOLLA
ALLAN TURNER CLAPP
ANTHONY JOSEPH CLAPP
DONALD LEE CLINE, II
JAMES COBELL, III
TIMOTHY JOSEPH COCHRAN
PAULA MAXWELL COLEMAN
SCOTT DAVID CONN
SHAWN ERIC COOK
TIMOTHY EARL COOLIDGE
PAULA ANNE COUGHLIN
COLE GEORGE COWARD
KENTON JOHN COX
WILLIAM MICHAEL CRANE
FLORENCE ELIZABETH CRAWLEY
KEVIN JAMES CRONIN
PATRICK STEPHEN CROSS
DEAN HAROLD CROWHURST
JEFFREY HOWARD CUNNINGHAM
BENSON DELANE CUTHBERTSON
FRANK DUDLEY DALTON, JR
JEFFREY CHARLES DAUS
JON SCOTT DAVIS
WILLIAM GEORGE DAVIS
EDWARD ANDREW DEEDS, III
LYNN LARRY DENNIS, JR
ANTHONY BERNARD DENZER
DAVID FRANKLIN DESANTO
DAVID GEORGE DICKISON
BRAVELL DODD, JR
RANDALL MICHAEL DOERNEMAN
MARK JERIMIAH DONOVAN
FRANCIS WILLIAM DORIS
DONALD DOUGLAS DORNAN, JR
STEVEN PATRICK DOUDS
JEFFREY AARON DREIWITZ
TIMOTHY JAY DUENING
PATRICK ANDREW DYER
STEVEN ALLEN EATON
KAREN JOHNSON EDWARDS
CURTIS STERLING EGGERS
JOHN CLYDE EGGLESTON
DWAYNE LYNN ELDRIDGE
SIDNEY THOMAS ELLINGTON
KEVIN RODARRICK ELMORE
STANLEY EARL ENGLE
PHILIP JAMES ENRIGHT
WILLIAM KURT ERHARDT
ROBERT ANTHONY ESPINOSA
PAUL MICHAEL ESPOSITO
JOHN ALLAN EVANS
WILLIAM ANTHONY FAKESS
RICHARD KEYES FAWCETT
JAMES LEE FELDKAMP
LYLE DEAN FINLEY, JR
WESLEY TODD FISH
TIMOTHY ALAN FISHER
RICHARD THOMAS FITE
WILLIAM JOSEPH FLANAGAN, JR
ANTHONY JOSEPH FONTANA
PAUL ALAN FORBES
CARL BYRON FORKNER
GARY HOWARD FOSTER
MARK GEORGE FREY
STEVEN JAMES FRONCILLO
HANS GEORG FUHS
LAWRENCE CHRISTOP GALLAGHER
AMY SUE GAMBRILL
STEVEN J. GASPAROVICH
GREGORY JOSEPH GEISS
KENDALL PAUL GENESER
ROBERT BRUCE GEORGE
RONALD GUENTHER GEYER
MICHAEL ANTHONY GIARDINO
CURTIS JAMES GILBERT
LEE SCOTT GINGERY
JAMES ALAN GLASS
JOHN GERARD GRAY, JR
MONTIE GREG GREENE
PETER THOMAS GREENWALD
RICHARD DALE GROENENBOOM
KEVIN ALAN GRUNDY
CRAIG EDWIN GURNEY
ROBERT VICTOR GUSENTINE
ANDREW GUYAN, JR
PAUL ALLAN HAAS
TRENT JOSEPH HALL
MICHAEL ERIC HAMLETT
ANNE NEEDHAM HANNEGAN
GRAHAM CAMPBELL HARBMAN
WAYNE JOSEPH HARRISON
JOHN WILLIAM HARTFORD
DAVID WARREN HEAD
KEVIN ROBERT HENSLEY
JOSEPH MICHAEL HINES, JR
MELANIE JAN HITCHCOCK
BRIAN DAVID HOERNING
JEFFREY DEAN HOGAN
DAVID WILLIAM HOLFINGER, II
KENNETH STEPH HOLLINGSWORTH
MARK WRAY HOLLOWAY
MARK ALAN HOLT
ARTHUR MICHAEL HONER, JR
ALBERT OSCAR HOWARD, III
PETER MACRAE HUNT
THOMAS CARTER INMAN
JEFFERY JOSEPH IOVINE
BENEDICTA RENEE JACOBY
ANDREW PATRICK JOHNSON
LOWELL MORGAN JOHNSON
TRACY ALAN JOHNSON
DAVID LOFTON JONES
DEAN SCOTT JONES
KENNETH LANCE JONES
JOSEPH LEO KABEISEMAN
JONATHAN MATTHEW KAGAN
DAVID JOSHUA KAHN
TYLER D. KEARLY
DAVID GILBERT KEAS
BRITT KYLE KELLEY
RANDOLPH GENE KELLY
CLAYTON MICHAEL KEMMERER
CHARLES WILLIAM KERSTEN
DAVID SCOTT KILLPACK
ROBERT JOSEPH KING, JR
ROBERT JEFFREY KINNEBREW
JOHN GERALD KINNEY
RANDOLPH HAROLD KLATT
MICHAEL CHRISTOPH KNIZEWSKI
JOHNMATTHEW KORIOTH
STEPHEN JAY KOZLOSKI
GREGORY ANDERSON KRESS
MARTIN JOHN KUEPKER
THOMAS HUGH LANG
TIMOTHY EDWARD LAPLANTE
THOMAS STEWART LARSON
JAMES MITCHELL LAURY
RAYMOND GORDON LAWRY, II
CHAU GIANG LE
FRED CARLTON LEWIS
EDWARD NMN LINSKY
JEFFERY BRYAN LOCKMAN
LEONARD ROBERT LOUGHRAN
CHARLES EDWARD LUTTRELL
PETER CHARLES LYLE
EDWARD DEGUZMAN MAGPURI
BRIAN ROBERTSON MALARKY
JOHN MALFITANO
JAMES WALLACE MARKWITH
JOHN JOSEPH MARSHALL
MICHAEL MARK MASLA
JOHN JONES MASON
ROBERT LOWELL MASON
EDWARD JOSEPH MATTIMOE
GARRY ROSS MAYNOR
DAVID ALLEN MAYO
MARTIN JAMES MCBRIDE
JOSEPH RICHARD MCCARTHY
CRAIG N. MCCARTNEY
SEAN MICHAEL MCCORMACK
RICHARD DUANE MCCRACKEN
ERIC SCOTT MCDONALD
KEVIN LEE MCNEAR
LAURA ELLEN MCNEIL
WILLIAM GERARD MCNERNEY
PETER EUGENE MCVETY
DOUGLAS ARTHUR MEDORE
ALEXANDER PHILIP MEISNER
JOHN ELROY MENDEL
GILBERT ANDRE MENDEZ
PRISCILLA MARIE MENDOZA
JOHN CHARLES MERCER
JOEL ANTHONY MERRIMAN
WILLIAM ROGER MESSER, JR
DAVID SCOTT MESSERSMITH
KERRY MICHAEL METZ
MICHAEL ARDEAN MEYERS
ROBERT CHARLES MEYERS
MARK SANFORD MILLER
DAVID BLAIR MILLS
DOUGLAS PAUL MINION
MARQUITA ANDREA MITCHELL
NICHOLAS MONGILLO
ANTHONY JOSEPH I. MONTEFORTE
CHARLES ALBERT MONTGOMERY
JEFFREY LYNN MORMAN
DARRELL SCOTT MORROW
JOSEPH DONALD MOSKAL, III
LARSSEN ERIC NMN MOWATT
CRAIG MARSHALL MULLENS
JOHN WARREN MUSAUS
MICHAEL STEWART NADDEF
EDWARD JOSEPH NAJMY
DAVID ELROY NELSON
ROBERT NELSON NEWBERN
STEPHEN PATRICK NIELSEN
MARTIN PATRICK OBRIEN, JR
PATRICK BRIAN OFLAHERTY
TERRENCE ROBERT OHAIRE
KRIS ALLAN OHLSON
SEAN NMN OLEARY
MARK CHRISTY OLIPHANT
MICHAEL TERRENCE ORTWEIN
PATRICK JOSEPH OSHEA
ROBERT ALAN OSMUNDSEN
PAUL JOSEPH OVERSTREET
RICHARD EDWARD PARKER
DAVID DEAN PAULS
ALAN NEIL PEPPER
DANIEL JAMES PERKINS
ERIC GEOFFREY PETERSEN
MARK DAVID PETERSON
CURTIS GLEN PHILLIPS
JEROME EMMETT PINCKNEY, III
TRAVIS SCOTT PLOWMAN
PAUL STEVEN POSEY
MELINDA LOUISE POWERS
MICHAEL LYNN PREAS
CONRAD MICHAEL PRIVATEER
JOHN ALAN RACINE
JEFFREY MICHAEL RAD
PATRICK ALLEN RAY
JOHN RICHARD REDMOND
JAMES EDWARD REED
NANCY ANN REINHARD
STEPHEN VIRGINIUS REYNOLDS
MARIA SANDRA RICE
GARY ALAN RICHARDS
CRAIG ALLAN RICHEY
DAVID KEITHERN RICHTER
PETER JOSEF ALFRED RIEHM
JESS EUGENE RIGGLE
CHRISTINE RAE RIPOSO
JOSE RAMON RIVERA
JOSEPH ROGER RIZZO, JR
BECKY ARLENE ROBERTS
GREGORY ALAN ROBINSON
HECTOR ROCHA
THOMAS LESLIE ROLAND
ROBERT EDWARD ROSE
TODD ANDREW ROSE
JAMES ANGUS ROSSER, III
ROBERT MICHAEL ROTH
S. ROBERT ROTH
KATHLEEN CHIMIAK SCHMUGGE
EVA LYNN SCOFIELD
MARK HENRY SCOVILL
EDDIE LEWIS SEATON
KENNETH EDWARD SELIGA
RICKY ALAN SEREX
JAMES GREGORY SEXTON
BRUCE ALAN SHAW
DWIGHT DAVID SHEPHERD
GREG JAMES SHUCK
DONALD WAYNE SHUEY
JEFFERY ANDREW SIGSTAD
JAMES KIRK SMITH
MARLON LEE SMITH
ADAM CLAYTON SMITHYMAN
THEODORE HUNT B. SMYTHE, II
DAVID RAYMOND SNOW
ROBERT CURTIS SOARES
EDITH ANN SPENCER
MICHAEL JAMES STEED, JR
MICHAEL DAVID STEINMANN
LEE JONATHAN STENSON
DOUGLAS EDWARD STEVENS
MARK ALFRED STROH
CURTIS DAVID STUBBS
MILTON ODELL STUBBS
JOSEPH ALFRED SULLIVAN
KENT JAMES SUTTON
MICHAEL THOMAS TALAGA
THOMAS JOHN TAMILIO
KENT ALFONZO TARTT
JOHN HAROLD TATE
TUSHAR RAMDAS TEMBE
RICHARD GUNDER TERJESON, JR
SCOTT ARNOLD TESSMER
ALFRED VALENTINE THAYER, III
DANIEL LAMAR THEUS
LEE EDWARD THOMPSON
OKE RICHARD THORNGREN
ROBERT SCOTT TORO
FRANK TORRES
ROBERT TRUMAN TRAFTON, JR
CHARLES J. TURNER
BROCK MARTIN VANN
CURTIS EUGENE VEJVODA
DANIEL FRANK VERHUEL
JEFFREY CLAYTON VIELOCK
CAESAR MICHAEL VIOLANO, JR
PATRICK MICHAEL VOORS
PHILIP L. WADDINGHAM
JOHN STUART WADSWORTH
ROY CARL WAGNER
CHRISTOPHER JOHN WALKER
MICHAEL SCOTT WALLACE
CARL ROLAND WALLSTEDT
WILLIAM DOWNEY WARD
JOHN VIRGIL WATSON
JEFFREY MASON WEAVER
PAUL STUART WEBB
BLAKE THOMAS WEBER
CHARLES ALAN WEDDLE
HARRY EDWARD WEDEWER
DAVID LEE WEGNER
JOHN MURPHY WEINZETTLE
MICHAEL JOSEPH WELLINGTON
DAVID SCOTT WELSH
MICHAEL BRIAN WHETSTONE
ERIC SCOTT WHITEMAN
CLARENCE EDGAR WILCOX
KEITH JOSEPH WILDONGER
TODD CHRISTOPHER WILLARD
ALEXANDER LONG WILSON, JR
WILLIAM HARBINSON WILSON, II
WILLIAM WALKER WILSON
JOSEPH HUTCHISON WOODWARD
WILLIAM THOMAS WORTH
TODD ALAN YUDELL

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT (JUNIOR GRADE), LINE, USN, PERMANENT

ANGELA DENEEN ALBERGOTTIE
DOUGLAS J. ANDERSON
JOHN C. ARMERDING
MELODY BEASLEY
KEVIN ARNOLD BENNETT
ROBERT PETER BERG, JR
ROBERT MARSTON BLAKE, II
BRUCE MICHAEL BOURBEAU
KING E. BROWN
ROBERT COLBY BUZZELL
JEFFREY C. CALABRESE
FRED G. CAMERO, JR
CHRISTIAN GORDON CAMERON
EDWARD B. CASHMAN
DAWN L. CHALMERS
SAMUEL WARWICK COONS, III
RICHARD ELWOOD CUNNINGHAM
ERIC JONATHAN DAVIS
STEVEN PATRICK DUARTE
HENRY BANKS EDWARDS, III
CRAIG LEE ELLIS
KARL ANDERS ERIKSON
TODD J. EUBANKS
WALTER ANTHONY FERGUSON
ARIE STEPHEN FRIEDMAN
STEPHANIE GAINER
HECTOR GARCIA
ALISON CAROLINE GETGOOD
THOMAS PATRICK GREEN, JR
ENRIQUE GUERRA
ERIK O. GUNTER
MATTHEW KENNETH HAAG
DAVID LAURENCE HANNEN
RICHARD R. HARRINGTON
KURT JOSEPH HAUSHEER
CRAIG ODONALD HAYNES
ROBERT THOMAS HENNESSY
DAMON MCKINLEY HENRY
PETER DEAN HONKANEN
JOHN MICHAEL HUSS
ROBERT LEE JOHNSON
STEPHEN JOHN KENNEDY
DONNA ANN KIERAN
MARK RICHARD LAXEN
MARY THEO LEWIS
KURT J. LICKISS
ERIC TEMOCX LISH
MICHAEL JOHN LUBES
FORREST PAGE LUPO
JOHN LEE MACMICHAEL, JR
MICHAEL ARTHUR MALOWNEY
RITA MARIE MARSHALL
TOMMY DON MCCLUNG
JAMES DAVID MCCROSKY
KELLY LOUISE MERRELL
ROBERT HENRY MEYER
MICHAEL D. MILLER
STEPHANIE MILLERBARRETT
WILLIAM HOWARD MONDAY
JAMES D. MOORE
TOBIAS ANTHONY NASSIF
TUAN A. NGUYEN
DONNA LEI NIMEY
LISA SUSANNE NOWELL
JAMES MARK NULL
STEVEN BARRY OKUN
MARK PATRICK ORMOND
DAVID WILLIAM OSTER
STEVEN LEH OUELLETTE
CAROLYN REGINA OWENS
CHARLES REEDY PAPAS
PETER JAMES PARCELLIN
DIANA COLE PETERSON
DAVID D. PETRI
MICHAEL JOHN PHILLIPS
ANDREA NMN POLLARD
RACHEL LANISE PRUITT
MICHAEL DAVID RAYFIELD
PAUL LEONARD RING
SCOTT EDWARD ROBILLARD
DANIEL JOSEPH ROQUES
CHARLES KELLY RYAN
TERIANN SAMMIS
AMILCAR HERNANDEZ SANCHEZ
THOMAS CLEMENTE SASS
ERIC LEE SCHMITT
CAROL LYNN SCHWARTZ
HOUSTON BLAIR SMITH
MICHAEL DUANE SMITH
TIMOTHY LYNN SNYDER
ERIC CARTER STAATS
JAMES VIRGIL STEVENSON
THEODORE LEROY STEWART
GILBERT SCOTT STOREY
DONALD DOUGLAS STROBEL
JAMES T. THOMPSON
STEPHEN JOSEPH THOMPSON
JOSEPH L. TURNER
MARK CLARK VAILLANCOURT
KENT STEVEN VANDERGRIFT
JOHN PETER VINTON
MARK STUART WASSIL
GAYLE SMITH WILSON

MARK RUSSELL WILSON
JAMES BLYTHE WOLFE
JONATHAN WOOD
EDWARD BRIAN ZELLEM

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

ENSIGN, LINE, USN, PERMANENT

ROBIN M. BALL
GARY R. BATES
TODD A. BELTZ
RUSSELL J. BOTEN
MARK D. BOWLING
MICHAEL G. BOX
CRAIG D. BROWN
THOMAS M. BURKE
J. DANIELS BYRNES
MICHAEL S. CAMPBELL
JEFFREY D. CAVANAUGH
TIMOTHY A. CHAMPE
JOE C. CHANG
STEVEN P. COLBY
ANTHONY J. DAILLY
THOMAS C. DILLEMUTH
JAMES P. EISH
RICHARD D. FEUSTEL
DAN W. FISHER
GEORGE A. FREDERICKSON
PATRICK J. FRESENDA
DENNIS L. GALLIEN
PHILIP M. GILBERT
PAUL J. GREEN
RODNEY B. HANNERS
STEVEN K. HANNULA
MICHAEL C. HENDERSON
WADE N. HENDERSON
MICHAEL D. HOUSTON
MICHAEL A. HURNI
JOE M. HUSTON
KURT E. JACOBS
MICHAEL H. JOHNSON
STEPHEN W. JOHNSON
CHRISTOPHER A. KAPPERT
THOMAS A. KARN
GUNNAR G. KEMNITZ
DAVID A. KEOUGH
ERIC KISSLINGER
CHRISTOPHER W. KOUTALIDIS
DANIEL B. KRULEWICH
DANIEL R. LANE
LOUIS J. LAZZARA, JR
MICHAEL J. LEHMAN
MICHAEL W. LEIGH
RICHARD L. LIND
MICHAEL S. LINDGREN
ANTHONY S. M. LO
PATRICK J. LOONEY
MACK D. MACLEAN
ERNEST C. MAIER
JEFFREY L. MARTY
JOSEPH MAYNEN
CHARLES W. MILLER, III
MARTIN L. MILLER
SILAS G. MILLER, JR
TROY E. MONG
MICHAEL R. MORGAN
ROBERT W. MURTO
ROBERT P. NEUMANN
SCOTT E. NICHOLSON
JOSEPH E. NICOLATO
WYNDON K. NIX
MARIE J. OBERLEY
ARMANDO PASTRANA, JR
ROGER H. PECKHAM
CHRISTOPHER P. PETERS
DEAN T. RAWLS
EDMUNDS Z. REINEKS
MICHAEL RESONG
LARRY C. ROBBINS
MICHAEL R. ROBINSON
MICHAEL F. ROEDELBRONN
WILLIAM L. ROTH
JOHN F. ROUSH
MICHAEL R. SAXTON
SCOTT C. SCHWIND
PAUL SHANNON SNODGRASS
KENNETH E. SPALDING
PAUL J. SPAULDING
KIRK A. STEFFENSEN
ROBERT W. TENCZAR
KENNETH E. TERHORST
DAVID M. TRZECIAKIEWICZ
DAVID B. WESTON
ROBERT J. WHITMAN
MICHAEL J. YOUNG

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

COMMANDER, MEDICAL CORPS, USN, PERMANENT

NOLAN CHARLES BABCOCK
LARRY STEVEN GARSHA
WILLIAM A. KELLEY
LARRY K. MILLER
RICHARD C. WELTON

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE MEDICAL CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT COMMANDER, MEDICAL CORPS, USN, PERMANENT

LUIS IGNACIO BECERRA
PHILIP BLISS BESHANY
JAY DUDLEY
CHERYL LYNN SMI GANDEE
RODNEY LAHREN
DALE MICHAEL MOLE
JOHN E. MURNANE
TRUEMAN WINFIELD SHARP
MARK R. WALLACE

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, MEDICAL CORPS, USN, PERMANENT

KRIS M. BELLAND
THOMAS J. GILBERT, III
STEPHEN R. OCONNELL
TERRY LEE PUCKETT

THE FOLLOWING NAMED LINE OFFICER TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

LIEUTENANT, SUPPLY CORPS, USN, PERMANENT

FRANK DEAN QUADRINI

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE SUPPLY CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, SUPPLY CORPS, USN, PERMANENT

ROBERT JOSEPH BESTERCY
ARTHUR LAWRENCE COTTON, III
JOHN FRANCIS COUTURE
MATTHEW PAGE FORD
RODERICK RAPHAEL HUBBARD
TAE HUAN LEE
TIMOTHY JOSEPH OBRIEN
GARY ROBERT PAETZKE
KENNETH CRAIG WILSON

THE FOLLOWING NAMED LINE OFFICERS TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE SUPPLY CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

LIEUTENANT (JUNIOR GRADE), SUPPLY CORPS, USN, PERMANENT

ROGER L. DOWNING
THOMAS A. NEMETH
CHARLES E. SNEE, IV

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE SUPPLY CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT (JUNIOR GRADE), SUPPLY CORPS, USN, PERMANENT

DENNIS LYNN BAIRD
PIERRE CHANEL COULOMBE
PETER DUGGAN
BRIAN MICHAEL GOODWIN
RODNEY ALAN GRAY
BETH ANN HOWELL
FRANK JAMES HRUSKA
JOSEPH JACKSON
RONALD LEROY KAES
ALLEN WAYNE LANDERS
DONALD LAMAR LEWIS
BRIAN DONALD LINS
ROBERT RICHARD MAIN
DISMAS EDWARD MEEHAN
TED PADGETT PRICE
JAMES LEWIS PROCTOR, JR
FRANCIS MYRON PURDY
REGINA LETICIA ROBERTS
KARL ALAN SCHULTZ
KURT ERIC WAYMIRE

THE FOLLOWING NAMED LINE OFFICERS TO BE REAPPOINTED PERMANENT ENSIGN IN THE SUPPLY CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

ENSIGN, LINE, SUPPLY CORPS, USN, PERMANENT

FRANCIS X. ASPER
TIM J. BISHOP
JOSE CERVANATES
ERIC C. FOUNTAIN
LAURIS R. GALLEY
MICHAEL D. GORDON
CHRISTOPHER W. KITCHEN
CHRISTOPHER J. PURCELL
RODNEY E. TUGADE

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICER TO BE APPOINTED PERMANENT LIEUTENANT IN THE CHAPLAIN CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, CHAPLAIN CORPS, USN, PERMANENT

TERRY ALAN ROBERTSON

THE FOLLOWING NAMED LINE OFFICERS TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

LIEUTENANT, CIVIL ENGINEER CORPS, USN, PERMANENT

SCOTT ALAN ASTON
GREGORY ALFRED GARCIA
IAN C. LANGE
ROBERT TALLEY THOMPSON

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE CIVIL ENGINEER CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, CIVIL ENGINEER CORPS, USN, PERMANENT

DEAN LYNN AMSDEN
SCOTT RAGSDALE BELL
TONY GEORGE ESSE
KATHERINE LYNN GOUDREAU
JAMES LESLIE HARDIN
SCOTT HINTON
WILLIAM ERIC JANVRIN
JOSE ALFREDO PASTRANA
KARYN MARIE RINALDI
JEFFREY MITCHEL SALTER
WILLIAM ROSS SCHOEN
GREGORY SCOTT SIMMONS
KENNETH CARR STAGG
ANNE MARIE WERNER

THE FOLLOWING NAMED LINE OFFICERS TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE CIVIL ENGINEER CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

LIEUTENANT (JUNIOR GRADE), CIVIL ENGINEER CORPS, USN, PERMANENT

JAY G. CRABTREE
ROBERT LYLE GERSH
FREDERICK ANTHONY SCHLUETER
ANDRE EDWARD STOKES
JOHN ANDREW ZULICK

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE CIVIL ENGINEER CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT (JUNIOR GRADE), CIVIL ENGINEER CORPS, USN, PERMANENT

HECTOR ARMANDO ARELLANO, JR
GLENN FREDERIC BALOG
EMMANUEL TABLAN BAUTISTA
FREDERICK ROLAND BROOME
ROBERT NORMAN MORRISON
ROBERT WAYNE TYE

THE FOLLOWING NAMED LINE OFFICERS TO BE REAPPOINTED PERMANENT ENSIGN IN THE CIVIL ENGINEER CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

ENSIGN, CIVIL ENGINEER CORPS, USN, PERMANENT

ROBERT W. GANOWSKI
MATTHEW T. POLK

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE JUDGE ADVOCATE GENERAL'S CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, JUDGE ADVOCATE GENERAL'S CORPS, USN, PERMANENT

LEROY ALEXAN BROUGHTON
NANETTE M. DERENZI
WALTER MARTI FREDERICK
JENNIFER STANFI HEROLD
JON ELMER NELSON
GREGORY JOHN OBRIEN
KENNETH JOHN ORourke
GEORGE FRANCIS REILLY
KAREN LYNN SNEATH
CHRISTOPHER JOHN SPAIN
EDWARD STANISLAU WHITE

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE DENTAL CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

COMMANDER, DENTAL CORPS, USN, PERMANENT

STANLEY DREW MOSS

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT COMMANDER IN THE DENTAL CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT COMMANDER, DENTAL CORPS, USN, PERMANENT

DOUGLAS ROGER GILLETT
JAMES VINCENT KEENAN
THOMAS SHERAR KRUMHOLZ
GEORGE ALBIN WORONKO

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE DENTAL CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, DENTAL CORPS, USN, PERMANENT

VINCENT GERARD AUTH
JOHN EUGENE BORJA
RICHARD WALLACE BROWN
CARRIE LEE BURGER
FREDERICK LOOMIS CANBY
MICHAEL D. CARTER
GLENN LEE CATRON
EDWIN RAY CONNELLY
MARGARET ELIZAB DEGGES
DIANE LYNN DOYLE
JOSEPH ISRAEL GLIKSMAN
DAVID JOHN GROH
DAVID MARC HARMATZ
CARLOS VILLA JARAMILLO
DAVID ROBERT LLOYD
LOREN KEI MASUOKA
NICHOLAS MAZZEO
DONAL CAMERO MCGONEGAL
MICHAEL FRANCIS MILOS
HARVEY DWIGHT MOSS
JOHN EDWARD MURPHY
TODD WILLIAM NEILS
EDGAR PATRICK ONEILL
JAMES EDWARD RAPSON
KIMBERLY DIANE SAUER
PAUL EDWARD SCHLEIER
KYLE P. SCHROEDER
PAUL DAVID SCHWARTZMAN
LARRY WAYNE SHOOK
SCOTT MITCHELL SMITH
KEITH EDWARD SONNIER
DANIEL L. STAMBAUGH
PATRICK JOSEPH STEINER
DEBORAH ELIZABETH UHER
MICKEY LEE UNSELL
MICHAEL J. WOLFGANG

THE FOLLOWING NAMED REGULAR OFFICERS TO BE REAPPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERVICE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, MEDICAL SERVICE CORPS, USN, PERMANENT

JOHN HERMAN HARTSELL
STEVEN EDWARD MORELAND

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERVICE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, MEDICAL SERVICE CORPS, USN, PERMANENT

WILLIAM PAUL BRADLEY
ANNE MAGDALEN BURKE
CHARLES CHRISTO CAMBUS
REX WINSLOW CASON
DAVID MERRELL CLABORN
PHILIP ANDRE DEGEORGIO
MAUREEN ELIZ DUCKWORTH
MICHAEL EDWARD EBY
LINO LUIS FRAGOSO
DAVID JEFFREY FRYAUFF
MARK LEROY HENISER
WILLIAM RANSOM JOHNSON
ROGER YVAN KIROUAC
RUSSELL SCOTT LAWRY
BENJAMIN POBRE LLANES
MANUEL FRANCI LLUBERAS
RICHARD ANDREW MARTIN
DAVID ALLEN MATER
REGINALD BRUCE MCNEIL
DEXTER RAYMOND MILLS
DEBORAH E. NELSON
GINA MARIA NIZIOLEK
LARRY LEE PICARD
MARK STEVEN POSVISTAK
DAN ALAN RATCLIFF
DIANA L. RULE
ALANA MARY RUSSELL
BRYAN RICHARD SAUERS
GREGORY TERAN SMITH
LEE STEIGER, JR
JOSEPH EDWA STRICKLAND
KEITH ALAN SYRING
GARY TABACH
SCOTT ALEXAND THORNTON
KEVIN THOMAS VALENTE
HARVEY L. VANDENBURG
ERIC GERARD WALKER
GREGG W. ZIEMKE

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE MEDICAL SERVICE CORPS OF THE U.

S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT (JUNIOR GRADE), MEDICAL SERVICE CORPS, USN, PERMANENT

DENISE BROBERG
WILLIAM LEWIS BROWN
WILLIAM ELTON HATLEY
MATTHEW R. HUMPHREVILLE
JAMES ALLEN LETEXIER
SCOTT CHARL LIVINGSTON
GREGORY RICHA MCKENZIE
FREDERICK W. MINOR
THERESA MARIE PASERB
JEANMARIE PATNAUDE
DAVID MICHAEL UHL
JAMES HENRY WHITE

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE NURSE CORPS OF THE U. S. NAVY PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT, NURSE CORPS, USN, PERMANENT

ELIZABETH MICHE ARNOLD
KATHY TINES BECKER
ELIZABETH JO BRUMFIELD
PATRICIA SUE BURKHART
LOURDES ELENA BURTH
WILLIAM DAVID CLARK
ROBERTA CORYELL CRANN
LAWRENCE JOSEPH DUANE
LORIE LEE GREER
MARY CHAFFEE HAMBIDGE
JANICE M. HARRELLPARKER
MAUREEN ELIZ HEFFERNAN
TAMBRA M. HOLLINGSWORTH
LINDIA GAIL HUGHES
ALICE MARIE LANG
JOEL PATRICK LAROSE
LISA ELANE LESSLEY
JOHN FRANCIS LYONS
KEVIN TIMOTHY MARKS
IRENE CHRISTINE MCKIEL
MARIA VICTORI MELENDEZ
ANNE MARIE MULLEN
BELINDA CAROLE NASH
LORI LYNNE PARRISH
DAVID PEDRAZA
DEBRA ANN PENNINGTON
KATHLEEN ANN ROMAN
PEGGY MARIE SLEICHTER
JULIE ANNE SMITH
VALERIE J. SUTTON
KEVIN LERON TANZIE
CARMEN JULIA VELICHKO
SANDRA WHITTAKER
STEVEN EDWARD WILDASIN
FRANCES JANELLE WILSON
NANCY ELIZABET WISEMAN
LEANNE MARIE YORK

THE FOLLOWING NAMED U. S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE NURSE CORPS OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

LIEUTENANT (JUNIOR GRADE), NURSE CORPS, USN, PERMANENT

PAUL MONTE ALEXANDER
DONALD JOHN BURKE, JR
KATHERINE MILLER HAWES
NICHOLAS MERR KALYNYCH
ALISA JANE KOHL
CHARLES GREGORY LOFTIS
JOHN HENR NAGELSCHMIDT
LYNN DAY NOE
MENDEZ ALIDA EDIT ROIS
MICHAEL STIDHAM
RAYMOND JO TOMASZEWSKI
DELANO ISAAC WALTERS
RAYMOND DONALD WILSON

THE FOLLOWING NAMED LIMITED DUTY OFFICER TO BE REAPPOINTED PERMANENT LIEUTENANT AS A REGULAR OFFICER IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(E):

LIEUTENANT, LINE, USN, PERMANENT

MARK RICHARD JUDY

THE FOLLOWING NAMED TEMPORARY LIMITED DUTY OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE LINE OF THE U. S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5589(A):

LIEUTENANT, LINE, USN, PERMANENT

JEFFREY FRANCIS BROWN
GREGORY HAROLD CREWSE
BRUCE WAYNE EICHMAN
MICHAEL LEE THOMPSON

WITHDRAWAL

Executive message, transmitted by the President to the Senate on September 11, 1991, withdrawing from further Senate consideration the following nomination:

LEGAL SERVICES CORPORATION

LUIS GUINOT, JR., OF PUERTO RICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 1993, WHICH WAS SENT TO THE SENATE ON FEBRUARY 7, 1991.